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THE

LAWS OF WISCONSIN

PASSED AT THE

ANNUAL SESSION

OF THE

LEGISLATURE OF 1880,

TOGETHER WITH

JOINT RESOLUTIONS AND MEMORIALS.

PUBLISHED BY AUTHORITY.

MADISON, WIS.:
DAVID ATWOOD, STATE PRINTER.
1880.

LAWS OF WISCONSIN.

[No. 2, S.] [Published January 31, 1880.]

CHAPTER 1.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the county of Vernon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state not exceeding twenty-five thousand dollars, to the county of Vernon, in this state, and the board of supervisors of said county, is hereby authorized, in behalf of said county, to borrow any sum, by resolution of that body, not exceeding the amount above named, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Such indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with not less than one-tenth of the principal sum, till the whole is paid: *provided*, that the amount of said bonds, including existing indebtedness, shall not exceed in the aggregate five per centum on the value of the taxable property of said county, to be ascertained by the last assessment for state and county taxes previous to the issue of said bonds.

County authorized to borrow $25,000 of state trust funds.

Rate of interest

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would properly be chargeable to said county of Vernon, the annual interest due the state on such loan, together with one-tenth of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said county, and paid over to the state in the same way as other state taxes are collected and paid.

Secretary of state to add amount due on loan, principal and interest, to state tax, chargeable to said county.

County board to levy amount due on principal and interest

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of said county of Vernon shall levy the amount of money required for the payment of the annual interest, and not less than one-tenth of the principal sum loaned by the commissioners of public lands to the county of Vernon, as provided for in the preceding section of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved January 29, 1880.

[No. 8, A.] [Published February 2, 1880.]

CHAPTER 2.

AN ACT to authorize the town of Jefferson, in Jefferson county, to borrow the sum of sixteen hundred and fifty dollars to build a bridge across Rock river in said town, and to authorize the commissioners of the public debt of said town to loan said sum to said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town authorized to borrow $1,650 of state trust funds.

Rate of interest

SECTION 1. The town of Jefferson, in the county of Jefferson, is hereby authorized and empowered to borrow of the commissioners of the public debt of said town for one year, and at a rate of interest not exceeding seven (7) per cent. per annum, the sum of sixteen hundred and fifty dollars ($1,650), for the purpose of building, and paying the expense of building, a bridge across Rock river in said town, at the point where said river intersects Milwaukee street in the city of Jefferson.

Authority of commissioners to make said loan.

SECTION 2. The commissioners of the public debt of said town of Jefferson are hereby authorized and empowered to loan to the said town of Jefferson, for one year, and at a rate of interest not exceeding seven per cent. per annum, the sum of sixteen hundred and fifty dollars ($1,650), for the purpose aforesaid, out of any funds now in their hands or under their control which have been raised and collected under and by virtue of chapter one hundred and eighty-two (182) of the private and local laws of 1867, entitled "an act to amend an act entitled an act to enable the town of Jefferson to settle with its creditors, and an act amendatory thereto, being chapters two hundred and twenty-six and four hundred and ninety-two of the local laws

of 1866," and under and by virtue of all acts amendatory of said chapter one hundred and eighty-two including chapter two hundred and fifty-one of the laws of 1878.

SECTION 3. Within twenty days after the passage, approval and publication of this act, the chairman of said town shall execute, and the town clerk thereof countersign, a promissory note in substantially the following form, to-wit: Chairman and clerk to execute note.

$1.650. JEFFERSON, WIS., ——, 1880. Form of note.

On or before February 1, 1881, for value received, the town of Jefferson, in the county of Jefferson, Wisconsin, promises to pay to the commissioners of the public debt of said town, at the Jefferson County Bank, in the city of Jefferson, said county, the sum of sixteen hundred and fifty dollars ($1,650), with interest thereon from date at the rate of seven per cent. per annum.

—— ——, Chairman Town of Jefferson.

Countersigned, —— ——, Town Clerk.

Thereupon the chairman of said town shall deliver said note, so executed and countersigned, to the said commissioners of the public debt, who shall immediately upon such delivery pay to the town treasurer of said town the sum of sixteen hundred and fifty dollars ($1,650), and the said treasurer shall receive the same in like manner and under like liability as he receives other town funds, and shall pay it out only for the purpose aforesaid, upon orders properly drawn on him therefor. Note to be delivered to commissioners, and money to be paid to town.

SECTION 4. When the said note shall have been executed, countersigned and delivered as aforesaid, and the said sum shall have been paid to the said town treasurer as hereinbefore provided, the said note shall create and be evidence of a liability on the part of said town to pay the said sum with interest, according to the tenor and effect of said note, but shall not be held to create or to be evidence of any personal liability upon the part of the said officers who shall execute and countersign the same. Note to be liability of indebtness.

SECTION 5. This act shall be published in the Jefferson Banner, a weekly newspaper published at the city of Jefferson, Wisconsin, and shall take effect from and after its passage and publication. Publication of act.

Approved January 30, 1880.

[No. 9, A.] [Published February 2, 1880.]

CHAPTER 3.

AN ACT to authorize the commissioners of the public lands to loan a portion of the trust funds of the state to the city of Wausau, in Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners may loan trust funds.

SECTION 1. The commissioners of the public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding twenty thousand dollars, to the city of Wausau, in Marathon county, and said city of Wausau is hereby authorized to borrow a sum, not exceeding the above amount, of said commissioners, for the purpose of liquidating the present indebtedness of said city, and of school district No. 1 of said city, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually. And after five years from the date of such certificates, in addition to the interest, there shall also be paid not less than one-tenth of the principal sum, until the whole is paid.

City may borrow.

How principal and interest to be paid.

Secretary of state to add amount due to state tax.

SECTION 2. Each and every year until the whole loan be repaid, the secretary of state shall, when he apportions the state tax among the several counties, add to the state tax which would be properly chargeable to said county of Marathon, the annual interest due the state on such loans, and in each year after five years from the date of said certificates, in addition to said interest, one-tenth of the principal sum so loaned; and at the time and in the manner provided by law for levying taxes for state and county purposes, the board of supervisors of said county of Marathon shall levy the amount of money required for the payment of the annual interest, and after five years from the date of said certificates, in addition to said interest, one-tenth of the sum loaned by the commissioners of public lands to the city of Wausau, and the same shall be levied and collected out of the taxable property of said city, and paid over to the county treasurer of said county of Marathon and by him to the state, in the same manner as other state taxes are collected and paid.

Supervisors to levy tax to meet payments on loan.

Indebtedness of city limited.

SECTION 3. And it is further provided, that the said city of Wausau shall never, during the time said cer-

tificates of indebtedness or any of them remain unpaid, become indebted, or contract debts, for a greater amount than five per cent. of the taxable property of said city, as the same shall appear from the last assessment roll of said city previous to incurring such indebtedness.

SECTION 4. Nothing in this act shall prevent the said commissioners of public lands from receiving of the said city of Wausau, in any one year, two or more installments of said principal sum, which may be loaned as above provided.

City may make more than one payment in a year.

SECTION 5. This act shall take effect and be in force from and after its passage.

Approved January 30, 1880.

[No. 51, S.] [Published February 4, 1880.]

CHAPTER 4.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds to the city of Berlin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city of Berlin, in the state of Wisconsin, for the purpose of paying that portion of the adjustment bonds issued by said city of Berlin, under chapter ten of the laws of 1870, which become due and payable on the first day of February, A. D. 1880, is hereby authorized and empowered, upon the faith and credit of the said city, to borrow a sum of money not exceeding ten thousand dollars, upon a period of time not exceeding five years, and at such a rate of interest, not exceeding seven per cent., as may be agreed upon; and said city of Berlin is hereby authorized to issue to the commissioners of the public lands of this state, certificates of indebtedness for the sum so borrowed. The interest on said indebtedness shall be paid annually, and the principal sum so loaned shall be paid as follows: Two thousand dollars in one year; two thousand dollars in two years; two thousand dollars in three years; two thousand dollars in four years; and two thousand dollars in five years from the date of said loan.

City authorized to borrow $10,000 of the state trust funds.

Rate of interest

How princ'pal to be paid.

SECTION 2. Said city of Berlin shall annually, during the continuance of said loan, raise by tax, on the taxable property in said city, a sum of money sufficient

City to annually levy tax to pay principal and interest due on loan.

to pay the interest thereon, and one-fifth of the principal of said sum; and the city clerk of said city shall insert said amount in the tax roll of said city, and the same shall be collected as other taxes are collected, and when so collected, shall be applied to the object herein specified, and no other.

Commissioners of public lands to loan trust funds to city of Berlin.

SECTION 3. For the purpose of carrying into effect the foregoing provisions, and assisting said city to raise said sum of money for the object aforesaid, the commissioners of the public lands of the state of Wisconsin are hereby authorized to loan to said city of Berlin, out of any of the trust funds in their charge and under their control, a sum of money not exceeding the amount stated in the first section of this act, and for the term of five years, and at such a rate of interest, not exceeding seven per cent., as may be agreed upon, and upon such certificates of indebtedness of said city of Berlin as said commissioners shall prescribe and require. And all the taxable property in said city shall stand charged for the payment of said loan and the interest thereon, at the times and in the manner hereinbefore specified; and it shall be the duty of the secretary of state, at the time he shall certify to the county clerk the amount of state taxes, also to certify to the city clerk of the city of Berlin the amount that shall be due or become due for that year for principal and interest on said loan. And the city clerk of said city of Berlin shall thereupon insert the amount so certified in the assessment roll of said city as a tax upon said city, without any further or other authority, to be collected as other taxes are collected, and by the treasurer of said city paid over to the state treasurer upon such loan.

Secretary of state each year to add to state taxes due from said city amount due for principal and interest on said loan.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 2, 1880.

[No. 28, S.] [Published February 5, 1880.]

CHAPTER 5.

AN ACT to authorize the commissioners of public lands of the state of Wisconsin to extend the time of payment of the loan made from the trust funds of the state to school district number twelve, in the town of Darlington, formerly town of Center.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners of public lands to extend time

SECTION 1. The commissioners of public lands of the state of Wisconsin are hereby empowered and di-

rected, by contract, to be entered into between them and the school board of directors of district number twelve, in the town of Darlington, in La Fayette county, Wisconsin, which district comprises the city of Darlington, to extend the time of the payment of the loan of ten thousand dollars made to said school district in pursuance of chapter fifteen of the private and local laws passed in 1870, for a period not exceeding eleven years from the maturity of said loan, as originally made; the principal of said loan, as extended, to become due in installments of not less than one thousand dollars, the first of said installments to become due and payable two years from the date of maturity of said loan, as originally made, and annually thereafter until said loan is fully paid. And the present board of directors of said school district is hereby authorized and empowered to enter into such contract on the part of said school district and said contract when made shall be binding upon both parties to the same.

of payment of loan eleven years.

Principal to be paid in installments.

SECTION 2. The commissioners of public lands shall retain the same security which they now have for the payment of said loan and interest thereon until said loan is fully paid; and the same remedies and proceedings for the collection and payment of said loan and interest thereon as now exists shall remain and be in force to enforce the payment of the same as it shall mature under any contract made in pursuance of section one of this act, until said loan and interest thereon is fully paid and discharged.

Security held by commissioners, and the liability of town, to remain unchanged.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 4, 1880.

[No. 32, A.] [Published February 6, 1880.]

CHAPTER 6.

AN ACT to provide for the assessment of property and collection of taxes in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any case where the assessment roll and records of any town or city in this state were destroyed by fire or other accident prior to the first day of January, 1880, and before the tax roll was placed in the hands of the town treasurer, the fact of the destruction of such assessment roll and records shall not prevent the levy and collection of the tax chargeable upon

Destruction of records by fire not to prevent levy and collection of taxes.

the property of said town or city for the year 1879, but the same shall be levied and collected as hereinafter provided.

Supervisors to order assessors to make assessment within thirty days of date of order.

SECTION 2. In the case specified in the foregoing section, the supervisors of the town or city shall, by an order to be entered in their minutes, direct the assessors of such town to forthwith proceed to make an assessment of all the real and personal property liable to taxation for the year 1879 in his or their assessment district, and to complete said assessment and make return thereof with their assessment roll and all sworn statements made others, and valuations made by them of personal property and bank stock, to the clerk of such town or city, within a time mentioned in said order, which time shall not be more than thirty days nor less than ten days from the date of said order. Such order shall also provide that on the last day limited for the completion and return of the assessment roll, the board of review will meet at the town or city clerk's office, to review said assessment.

Clerk to serve copy of said order on assessors.

SECTION 3. Within three days after the entry of said order, the clerk of such city or town shall make and serve upon the assessors or assessor of such city or town, a copy of said order, and shall also post up a copy thereof in at least three of the most public places in the assessment district where the assessment is to be made, and no other or further notice shall be required of the meeting of the board of review than the notice contained in the copy of the order posted up as aforesaid.

County clerk to furnish proper blanks.

SECTION 4. The county clerk of the county within which such assessment district is situated, shall, on demand made by the chairman of supervisors of such town or city, furnish a proper assessment roll, tax roll, blanks, and all other papers necessary to be used by the assessor, or the town or city clerk, in the discharge of their duties, which assessment roll, tax roll and blanks shall be same as provided for by chapter forty-eight (48) of the revised statutes, and shall be sent to the clerk of the town or city requiring the same and said clerk shall immediately deliver the assessment roll and blanks to be used in making the assessment to the assessor of the assessment district where the assessment is to be made.

Assessor to proceed according to law.

SECTION 5. Upon the receipt of said order, assessment roll and blanks, the assessor shall proceed and make an assessment of all the property liable to taxation in his assessment district for the year 1879, which as-

sessment shall be made and the property valued in all respects as provided by law for the annual assessment of property for taxation in this state, except as herein otherwise expressly provided.

Further duty of assessor.

SECTION 6. The assessor shall complete such assessment and make return thereof as provided in said order, and on the day named in said order the board of review, consisting of the officers specified in section one thousand and sixty (1,060) of the revised statutes, shall meet, whereupon the assessor and board of review shall proceed in all respects as provided in chapter forty-eight (48) of the revised statutes; and when said assessment roll is completed, the assessor shall make and annex thereto the affidavit provided by section one thousand and sixty-three (1,063) of the revised statutes, and shall forthwith deliver the same, with all sworn statements and valuations of personal property, to the clerk of the town or city, who shall file and preserve the same in his office.

In case of loss of certificate of apportionment of taxes.

SECTION 7. If the certificate to be made to such town or city for the year 1879, provided for by section one thousand and seventy-six (1,076) of the revised statutes, shall have been lost, the clerk of said town or city shall procure of the county clerk of the county a certificate specifying the taxes apportioned to said town for said year, which certificate shall be made in all respects as provided in said section one thousand and seventy-six (1,076.)

Amount of local taxes to be certified to town or city clerk.

SECTION 8. Within the time required for the completion of said assessment, the board of supervisors of the town, or city council of the city, shall under its hands certify to the town or city clerk, the amount of taxes voted by the people to be raised in said town or city for said year 1879, and all other taxes authorized to be raised in said town or city for said year 1879, other than the taxes certified by the county clerk, which certificate shall be reduced to writing and entered by the clerk in the minutes of its proceedings, and shall have the same effect as the records showing the facts would have had.

Duty of town and city clerks.

SECTION 9. As soon as the clerk of the town or city shall have received the corrected assessment roll as herein provided, he shall proceed and make a tax roll for said town or city in all respects as provided by section one thousand and seventy-eight (1,078) of the revised statutes, and upon the receipt of the apportionment from the county clerk, carry out upon said tax roll the taxes to be levied upon the taxable property of said town or city for said year 1879, as provided by

section one thousand and seventy-nine (1,079) of the revised statutes. The said clerk shall proceed in all respects as provided by chapter forty-eight (48) of the revised statutes, except as otherwise herein provided.

Clerk to deliver tax roll to treasurer.

SECTION 10. The clerk shall complete said tax roll and deliver the same, with the warrant attached, to the town or city treasurer within ten days after the receipt by him of the corrected assessment roll, unless prevented by failure of said treasurer to give his bond.

Form of warrant.

SECTION 11. The warrant attached to said tax roll shall be the same as provided by section one thousand and eighty-one (1,081) of the revised statutes, except that it shall provide that the treasurer shall pay to the county treasurer the amount specified for state taxes by a day named in said warrant, which shall be thirty days from date of said warrant.

Duty of treasurer.

SECTION 12. The treasurer shall proceed to collect said tax as provided in chapter forty-nine (49) of the revised statutes except as herein otherwise provided.

Further duty of treasurer.

SECTION 13. The treasurer shall post notices as provided in section one thousand and eighty-nine (1,089) of said chapter forty-nine (49), except that the taxes are subject to payment at his office at any time prior to a day named in said notice, which shall not be less than ten days from the time said notices are posted up, and that after that day he shall proceed to collect the taxes charged in said roll, and remaining unpaid.

When treasurer to remit three-fifths of his fees.

SECTION 14. On all taxes tendered at the office within the time specified, the treasurer shall remit three-fifths (3-5ths) of his fees.

Time for collection of taxes may be extended.

SECTION 15. The time for the collection of such taxes may be extended as provided in section one thousand one hundred and eight (1,108) of said chapter forty-nine (49), provided that the time shall not be extended longer than to the first day of April, 1880, by which time the return of delinquent taxes shall be made to the county treasurer.

Provisions of ch. 49, R. S., to apply.

SECTION 16. All of the provisions of said chapter forty-nine (49) shall apply to said tax except as otherwise herein provided.

Uncollected taxes to be returned to county treasurer.

SECTION 17. The taxes not collected shall be returned to the county treasurer in the same manner as other taxes are returned, and the same proceedings shall thereafter be had as in case of other delinquent taxes.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved February 5, 1880.

[No. 9, S.] [Published February 13, 1880.]

CHAPTER 7.

AN ACT to authorize Thomas W. Gay, James A. Robb and Samuel H. Robb, their associates and assigns, to construct and maintain a dam across the Kickapoo river, on land owned by them.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Thos. W. Gay, James A. Robb and Samuel H. Robb, their associates and assigns, are hereby authorized to construct and maintain a dam across the Kickapoo river, on land owned by the said Thomas W. Gay, James A. Robb and Samuel H. Robb, or either of them, known as lots one (1) and two (2), in section twenty-eight (28), township ten (10) north, of range four (4) west, in said county of Crawford; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their successors and assigns, shall build a suitable slide or chute in said dam, of the width of twenty-six feet, for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties, free of expense and charge; the aforesaid persons, their successors and assigns, are hereby authorized to maintain said dam at a height of not exceeding seven feet in low water.

Location of dam

Slide or chute to be built; size of same.

SECTION 2. Any person or persons who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof in an action to the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

Penalty for injuring said dam

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved February 12, 1880.

[No. 20, S.] [Published February 13, 1880.]

CHAPTER 8.

AN ACT relating to the Milwaukee and Brookfield Macadamized turnpike company, and amendatory of section one, chapter two hundred and seventy-nine, laws of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two hundred and seventy-nine, laws of Wisconsin, 1878, is hereby

Amendment.

amended by striking out the figures "1880" in the tenth line of said section, and inserting in lieu thereof the figures "1881," so that said section will read: Section 1. Section four of chapter ninety-two of the laws of Wisconsin for 1874, entitled an act to amend chapter one hundred and twenty-six, private laws of 1867, entitled an act to incorporate the Milwaukee and Brookfield Macadamized turnpike company, is hereby amended by adding as follows: *provided*, said company build and complete said road to a point one-half the distance between the east line of the town of Brookfield and Fox river, on or before the first day of January, A. D. 1881; otherwise this act shall be null and void, and of no force whatever.

Road to be completed January 1, 1881.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1880.

[No. 5, S.] [Published February 13, 1880.]

CHAPTER 9.

AN ACT empowering commissioners of United States courts to administer oaths and take and certify the acknowledgment of deeds and other instruments in writing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

U. S. Commissioners may administer oaths and take acknowledgments.

SECTION 1. Commissioners of the United States circuit or district courts residing in the state of Wisconsin are hereby authorized and empowered to administer oaths and take and certify the acknowledgment of deeds and other instruments in writing, in the same manner and with the same effect as if taken or administered by a court commissioner of the circuit courts of this state: *provided, however*, that before exercising the powers herein conferred, such court commissioner shall file with the clerk of the circuit court of the county in which he resides, his certificate of appointment as such court commissioner or a duly certified copy thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 12, 1880.

[No. 11, A.] [Published February 19, 1880.]

CHAPTER 10.

AN ACT to authorize commissioners of the public lands to loan a portion of the trust funds of the state to the town of Kewaunee, in the county of Kewaunee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of loan

SECTION 1. The commissioners of the public lands are hereby authorized to loan a portion of the trust funds of the state, not to exceed ten thousand dollars ($10,000), to the town of Kewaunee, in Kewaunee county, in this state, and the said town is authorized to borrow a sum not to exceed the amount above named, of said commissioners, and to issue to said commissioners certificates of indebtedness so contracted; said indebtedness shall bear interest at the rate of seven per cent. per annum, and the said interest shall be paid annually, together with not less than one-fifth of the principal sum loaned, until the whole is paid.

Rate of interest, and manner of payment of principal.

Secretary of state to add amount due to state tax chargeable to county.

SECTION 2. The secretary of state shall, each year, until the whole loan is paid, furnish to the county clerk of said county the amount which will be due from such town at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from said town in his apportionment of the state taxes to the town, but it shall be carried out in a separate column, and the town clerk of said town shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer and paid with the state tax to the county treasurer, who shall pay it over to the state treasurer with the state taxes.

Supervisors to file acceptance with secretary of state.

SECTION 3. Before contracting any debt under this act, and before any of said funds shall be delivered to said treasurer, in exchange for said certificates of indebtedness, the supervisors of said town of Kewaunee shall file with the secretary of state an acceptance of the provisions of this act, and the terms and limitations herein provided for.

Question of application for loan may be submitted to vote of town.

SECTION 4. The said commissioners may, in their discretion, require the application for such loan to be approved by a majority of the voters of said town on the question at the annual town meeting, to be accompanied by a statement in writing, verified by the oath of the chairman and town clerk, showing the full number of votes cast in favor and against said loan.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1880.

[No. 10, A.] [Published February 19, 1880]

CHAPTER 11.

AN ACT to amend sections one and two of chapter one hundred and eight of the laws of 1879, entitled an act to provide for the laying out a state road from Lincoln, Kewaunee county, to intersect the Green Bay and Sturgeon Bay state road, in the town of Green Bay, in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Names of commissioners.

Description of route of road.

SECTION 1. Section one of chapter one hundred and eight, of the laws of 1879, is hereby amended so as to read as follows: That Joseph Duvall, Mathias Bolkol, Peter Houart, Alphonse Lefevre and Maximilian Finendad, be and are hereby appointed commissioners to lay out and establish a state road, commencing at the range line between section eighteen, in township number twenty-three, north, of range twenty-five, and section number thirteen, in township number twenty-three, north, of range twenty-four, east; thence north of range line to a point twenty chains north of the corner of sections number twelve, thirteen, seven and eighteen; thence in a north-westerly course to a point forty chains north of quarter post south of section number two, in township number twenty-three, range twenty-four, east; thence north to quarter post south of section number thirty-five, township number twenty-four, north of range twenty-four east; thence west on town line to corner of sections number two and three, in township twenty-three north, and sections number thirty-four and thirty-five, in township number twenty-four north; thence north to corner of sections number twenty-six, twenty-seven, thirty-four and thirty-five; thence west on section line to corner of sections number twenty-seven, twenty-eight, thirty-three and thirty-four; thence north between sections number twenty-seven, twenty-eight, twenty-one and twenty-two, to corner of sections number fifteen, sixteen, twenty-one and twenty-two; thence west twenty chains; thence north on eighth line one hundred and eighty (180) chains; thence in a north-westerly course to the corner of sections number four and five, in township number twenty-four, in range twenty-four, east, and sections number thirty-two and

thirty-three, in township number twenty-five north, of range twenty-four east; thence on section line between sections number thirty-two, thirty-three, twenty-eight and twenty-nine; thence north to corner of sections number twenty-eight, twenty-nine, twenty and twenty-one; thence west between sections number twenty, twenty-nine, nineteen and twenty, to quarter post between sections number nineteen and thirty; thence north to the quarter post between sections number eighteen and nineteen; thence west eight and one-half miles to intersect the Green Bay and Sturgeon Bay state road, in the town of Green Bay, in Brown county, between section number eighteen on the north and section nineteen on the south, in township number twenty-five, range twenty-four, thence west between sections thirteen, fourteen, fifteen, sixteen, seventeen and eighteen on the north, and nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four on the south, in township number twenty-five, range number twenty-three, in Kewaunee county, and following said line west between sections thirteen and fourteen on the north, and sections twenty-three and twenty-four on the south, in township number twenty-five, range number twenty-two, in Brown county.

Three commissioners constitute a quorum for the transaction of business

SECTION 2. Section two of chapter one hundred and eight, of the laws of 1879, is hereby amended so as to read as follows: Any three of said commissioners shall form a quorum for business, and shall be entitled to such compensation for laying out said road as the board of supervisors of the respective counties through which said road may pass, may deem sufficient: *provided*, that no compensation shall be allowed for laying said road over any road that may have been heretofore established: *and further provided*, that said road shall be laid out in accordance with the state laws in relation to state roads.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1880.

[No. 18, A.] [Published February 19, 1880.]

CHAPTER 12.

AN ACT to amend an act, entitled an act to revise, consolidate and amend the city charter of the city of Fond du Lac, approved March 5, 1879.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Title one, section two, of an act to revise, consolidate and amend the city charter of the city

of Fond du Lac, passed March 5, 1879, is amended as follows: By inserting in said section two, after the words "place of beginning," in the twenty-fourth line of said section, the following words: "Second ward. Commencing where the center line of Second street intersects the east line of the city limits; thence running west along the center of Second street to the center of the east branch of Fond du Lac river; thence northerly along the center of said east branch to the center of Merrill street; thence easterly along the center of Merrill street and the same line produced to the east line of the city limits; thence south and east along said line of the city limits to the place of beginning."

Boundaries of second ward.

Amendment.

SECTION 2. Title four, section twenty-two, of said act, is amended so as to read as follows: Section 22. It shall be the duty of the common council to appoint by ballot, yearly, at its meeting on the first Monday after the election of city officers, or at such other time as it may determine, and as often as it may be necessary to fill vacancies, the following officers, viz: one president of the council, one comptroller, one city clerk, one city attorney, one city engineer and surveyor, one superintendent of schools, one fire marshal and an assistant, one chief of police, one health officer, one sidewalk superintendent, one superintendent of poor, one purchasing agent, one sealer of weights and measures, not less than four policemen. Each of said officers shall serve for one year. At the aforesaid meeting of the council, after the election in the year 1880, and each even numbered year thereafter, there shall be appointed by ballot four school commissioners, one each from the even numbred wards of said city; and at the next yearly meeting of the council, and in each odd numbered year thereafter, four school commissioners, one each from the odd numbered wards of said city; such commissioners shall respectively hold office for two years, and the eight commissioners shall constitute the board of education of said city: *provided*, the four school commissioners now holding from the odd numbered wards of said city shall continue in office until the council meeting aforesaid after the election in 1881. Each and every one of the foregoing officers the common council may remove at its pleasure; and they shall hold their several offices for the terms above provided, and until their successors are elected and qualified: *provided*, that the superintendent of schools shall be appointed by the board of education." Title six, section forty-one, is hereby amended by adding thereto

Appointive officers.

Term of office.

School commissioners.

Common council may remove appointees.

the words: "Provided, that any other two or more of the offices to be filled as herein provided by the common council, may be by said council consolidated, upon a majority vote of all the members elect, and the duties of the several offices so consolidated shall be performed by the officer designated by the common council to fill such consolidated office"

School superintendent.

Offices may be consolidated.

SECTION 3. Title nine, section sixty-one of said act, is hereby amended by inserting in the first line of subdivison four of said section, after the word "of" and before the word "one," the words, "not exceeding." And said section sixty-one is furthered amended by adding thereto as follows: 5. To annually levy and collect a tax on such valuation aforesaid, of not exceeding two mills on the dollar, which shall constitute the "poor fund."

Poor fund tax not to exceed two mills on the dollar of valuation.

SECTION 4. Title sixteen of said act is hereby amended, by striking out from the sections embraced in said title, whenever they may occur therein, the words "board of health," or "health commissioner," or "member of the board of health," and substituting therefor the words "health officer;" and the several powers and duties of the board of health as prescribed in said title sixteen, are hereby imposed and conferred upon the health officer of said city so far as the same may be practicable.

Health officer.

SECTION 5. Title seventeen, section two hundred and fifteen of said act, is hereby amended by adding thereunto, as follows: The common council may provide for the publication, in convenient book or pamphlet form, of the said city charter of Fond du Lac, with its amendments consolidated an incorporated therein, together with the ordinances, by-laws, rules and regulations adopted by the common council, and the said book or pamphlet when so published shall be received and admitted as evidence in all courts or tribunals within this state, and shall have the same force and effect as the original act or acts, ordinances, by-laws, rules or regulations and proofs of the passage and publications thereof respectively.

Official publication of charter.

SECTION 6. This act shall be considered a public act and shall be enforced and take effect from and after its passage and publication.

Approved February 17, 1880.

[No. 88, A.] [Published February 19, 1880.]

CHAPTER 13.

AN ACT to authorize the levy of a special tax in the tenth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional tax of two and one-half mills on the dollar of valuation authorized.

SECTION 1. The common council of the city of Milwaukee is hereby authorized and empowered, at the time of levying other city taxes for the years 1880 and 1881, in addition to the amount now authorized to be raised by law for ward purposes in the tenth ward of said city in each of said years, to levy a tax of not exceeding two and one-half mills on the dollar upon all taxable property, real and personal, in said ward, for each of said years 1880 and 1881. Said tax shall be collected at the same time and in the same manner as other city taxes for said years are collected, and shall be used for ward purposes in said ward.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1880.

[No. 75, A.] [Published February 19, 1880.]

CHAPTER 14.

AN ACT to authorize the levy of a special tax in the ninth ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Additional tax of three mills on the dollar of valuation authorized.

SECTION 1. The common council of the city of Milwaukee is hereby authorized and empowered, at the time of levying other city taxes for the years 1880, 1881 and 1882, in addition to the amount now authorized to be raised by law for ward purposes in the ninth ward of said city, in each of said years, to levy a tax of not exceeding three mills on the dollar, upon all taxable property, real and personal, in said ward, for each of said years 1880, 1881 and 1882. Said tax shall be collected at the same time and in the same manner as other city taxes for said years are collected, and shall be used for ward purposes in said ward.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 17, 1880.

[No. 63. A.] [Published February 19, 1880.]

CHAPTER 15.

AN ACT to authorize the levy and collection of a special tax in the second ward of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Milwaukee is hereby authorized to levy upon all the taxable property of the second ward in said city, in and for the year 1880, and to collect in the same manner as other taxes in said city are collected, on account of the ward fund of said ward, a special tax of three mills on one dollar of taxable property, in addition to the amount now authorized by law to be raised by taxation in said ward, in order to enable said city to pay out of said ward fund, the damages, costs and expenses properly chargeable to said fund on account of condemning and taking for the public use, for a public square, block number one hundred and sixty-five (165) in said ward.

Special tax of three mills on the dollar authorized.

SECTION 2. This act shall take effect and be in force form and after its passage and publication.

Approved February 17, 1880.

[No. 65, S.] [Published February 20, 1880.]

CHAPTER 16.

AN ACT relating to municipal court of the city of Eau Claire, and amendatory of section ten of chapter one hundred and eighty-three of the laws of Wisconsin for 1874, as amended by section one of chapter three hundred and twenty-nine of the laws of Wisconsin for 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section ten of chapter one hundred and eighty-three of the laws of Wisconsin for 1874, as amended by section one of chapter three hundred and twenty-nine of the laws of Wisconsin for 1878, is hereby amended so as to read as follows: Section 10. In case of the absence, sickness, or temporary disability of said municipal judge, he may, by order in writing, to be filed in said court, appoint a justice of the peace of said city to discharge the duties of such judge during such absence, sickness, or disability, and in case of a vacancy in the office of municipal judge, the mayor may, by an order in writing, to be filed in the office of the city clerk of said city, appoint a justice of the

Amendment.

Justice appointed to fill vacancy to possess all powers of municipal judge and receive same fees for services.

peace of said city to discharge the duties of municipal judge during the continuance of such vacancy. And any justice of the peace discharging the duties of municipal judge shall have all the powers of such judge, and be entitled to the same fees for his services while administering such office.

SECTION 2. This act shall take effect and be in force form and after its passage.

Approved, February 19, 1880.

[No. 36, S.] [Published February 20, 1880.]

CHAPTER 17.

AN ACT to appropriate the sum of five hundred dollars to the Wisconsin state dairymen's association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Five hundred dollars appropriated.

SECTION 1. There is hereby appropriated out of the general fund to the Wisconsin state dairymen's association the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1880.

[No. 22, S.] [Published February 20, 1880.]

CHAPTER 18.

AN ACT to amend section four thousand one hundred and fifty-three of the revised statutes, relating to evidence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Patents and deeds for land issued by the commissioners or governor to be received as presumptive evidence of facts stated therein, etc.

SECTION 1. Section four thousand one hundred and fifty-three of the revised statutes, of the state of Wisconsin is hereby amended by adding after the word "railroads" in the seventh line of said section, the words "or military roads," so that said section, when so amended, shall read as follows: Every patent which has been heretofore executed and delivered by the commissioners of school and university lands, or which shall hereafter be executed and delivered by the commissioners of public lands, purporting to convey any land of any description, and every deed or patent, which shall have been at any time executed and delivered by the governor, purporting to convey any lands granted to the state by the United States, to aid in the construction of railroads, or military roads, or any swamp or overflowed lands, shall be received as pre-

sumptive evidence of the facts therein stated, and that the grantee named therein became vested thereby at the date thereof with an absolute title in fee to the lands therein described.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1880.

[No. 114, A.] [Published February 20, 1880.]

CHAPTER 19.

AN ACT changing the name of the county of New to Langlade.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The name of the county of New, organized by chapter one hundred and fourteen of the laws of 1879, is hereby changed to that of Langlade, by which name of Langlade said county shall hereafter be known and designated. Langlade.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1880.

[No. 348, A.] [Published February 20, 1880.

CHAPTER 20.

AN ACT to provide for the compensation of certain additional employes of the legislature for 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The following additional employes of the senate and assembly, heretofore employed at the session for 1880, to-wit: For the senate, four committee room attendants, one wash room attendant, one document room attendant, one gallery attendant, one janitor, at three dollars per day each; and three messenger boys, at two dollars per day. And for the assembly, one document room clerk and attendant at three dollars and fifty cents per day; two committee room attendants, one janitor, at three dollars per day; one messenger, at two dollars per day. Each shall be paid per diem, respectively, for the time during which they have been actually employed, but not longer than from the date of commencement to the adjournment of the legislature. Additional legislative employes and compensation for same.

Appropriation.

SECTION 2. There is hereby appropriated from the state treasury a sum sufficient to carry out the provisions of this act.

SECTION 3. This act shall be in force and take effect from and after its passage.

Approved February 19, 1880.

[No. 26, S.] [Published February 20, 1880.]

CHAPTER 21.

AN ACT to authorize Jes. Erickson and E. C. Manger to maintain a boom in Kewaunee river, in Kewaunee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. Jes. Erickson and E. C. Manger, their successors or assigns, are hereby authorized to maintain and keep up a boom for the purpose of holding logs in and along the Kewaunee river, for the term of ten years, along the north boundary of lot number six, section eighteen, town twenty-three, range twenty-five east, in Kewaunee county.

SECTION 2. The said Jes. Erickson and E. C. Manger, their successors or assigns, shall leave a suitable passage for logs, lumber or timber, so as not to obstruct the navigation of said river.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1880.

[No. 25, S.] [Published February 20, 1880.]

CHAPTER 22.

AN ACT to amend chapter two hundred and eighty-four of the private and local laws of 1866, entitled an act to incorporate the Eau Claire lumber company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Capital stock not to exceed three million dollars.

SECTION 1. Section two of chapter two hundred and eighty-four of an act entitled an act to incorporate the Eau Claire lumber company, approved April 6, 1866, is hereby amended by striking out the words "five hundred thousand" where they occur in said section, and insert in lieu thereof the words "three millions of," so that said section as amended will read as follows: Section 2. The capital stock of said company shall be such a sum as the board of director

shall fix, and the same may from time to time be enlarged by resolutions of the board of directors to any amount not exceeding three millions of dollars, and shall be divided into shares of one hundred dollars each, and such shares shall be transferable upon the books of the company only in such manner as the by-laws of the company shall direct.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1880.

[No. 13, S.] [Published February 20, 1880.]

CHAPTER 23.

AN ACT to provide for the purchase of Webster's unabridged dictionaries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The state superintendent of public instruction is hereby authorized and directed to purchase, on behalf of the state, six hundred copies of the latest edition of Webster's unabridged dictionary, at a cost, delivered at his office, not to exceed seven dollars per copy. **Purchase of six hundred copies authorized.**

SECTION 2. The said dictionaries, when procured, shall be delivered in accordance with the provisions of section five hundred and nine of the revised statutes. **Distribution of same.**

SECTION 3. The state superintendent of public instruction is hereby authorized to obtain Webster's unabridged dictionaries, to be sold to members of the legislature, the employes of the same and official persons connected with the state departments, in sufficient number to furnish not exceeding one copy to each such person at the price paid for the same. **Additional copies may be purchased.**

SECTION 4. There is hereby appropriated out of the general fund a sum sufficient to pay for the dictionaries above provided for. **Appropriation.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1880.

[No. 30, A.] [Published February 24, 1880.]

CHAPTER 24.

AN ACT to repeal sections six, seven and eight of chapter two hundred and fifty-nine, laws of 1878, and chapter one hundred and four, laws of 1879, relating to a state road from Wolf river, in Shawano county, to Wausau, in Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Sections six, seven and eight of chapter two hundred and fifty-nine of the general laws of 1878, entitled an act to lay out and establish a state road from Wolf river, in Shawano county, to Wausau, in Marathon county, and chapter one hundred and four of the general laws of 1879, entitled an act to amend section six of chapter two hundred and fifty-nine of the general laws of eighteen hundred and seventy-eight, entitled an act to lay out and establish a state road from Wolf river, in Shawano county, to Wausau, in Marathon county, are hereby repealed.

Collection and expenditure of money heretofore levied not affected.

SECTION 2. The repeal of the sections and act mentioned in section one of this act shall in no way affect the collection and expenditure as provided therein of the money heretofore levied in pursuance thereof.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1880.

[No. 118, A.] [Published February 24, 1880.]

CHAPTER 25.

AN ACT to authorize Gustaf J. Erickson and P. E. Petterson, their associates and assigns, to construct and maintain a dam across Wood river, in Burnett county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. Gustaf J. Erickson, P. E. Petterson, their associates and assigns, are hereby authorized to construct and maintain a dam across Wood river on land owned or leased by said Gustaf J. Erickson and P. E. Petterson, on the southwest quarter of section number sixteen (16), of township number thirty-eight (38), north, of range number eighteen (18) west, in Burnett county: said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that the said dam shall not raise the water to exceed eight feet.

Height of water not to exceed eight feet.

SECTION 2. The aforesaid persons, their associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall put through said dam all logs, timber and lumber belonging to any and all other persons, free and clear of charge and expense. No toll to be charged.

SECTION 3. Any person or persons who shall willfully break or destroy said dam, or shall open the same shall be liable to the proprietors thereof in an action of trespass to the amount of damage done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction. Penalty for willfully injuring or destroying dam.

SECTION 4. The aforesaid persons, their associates and assigns, shall enjoy the privilege granted in this act for the term of fifteen years. Privileges granted good for fifteen years.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1880.

[No. 13, A.] [Published February 24, 1880.]

CHAPTER 26.

AN ACT to authorize Frederick R. Stees, his associates and assigns, to construct and maintain a dam across Vermillion river in Barron county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Frederick R. Stees, his associates and assigns, are hereby authorized to construct and maintain a dam across Vermillion river, on land owned by said Frederick R. Stees, in section twenty-two, township thirty-five north, of range thirteen west, in the county of Barron; said dam to be constructed for hydraulic and manufacturing purposes: *provided*, that said dam shall not raise the water to exceed ten feet. Location of dam. Height of water not to exceed ten feet.

SECTION 2. The aforesaid person, his associates and assigns, shall build suitable slides in said dam, for running logs and timber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is at a driving stage and there are logs and timber to run over said dam. No toll to be charged.

SECTION 3. The control of said dam and slides shall belong to the said Frederick R. Stees, his associates and assigns, but subject always to the provisions of section two of this act. Control of dam.

SECTION 4. The dam so erected shall be subject to all the provisions of chapter one hundred and forty-six of the revised statutes of 1878, so far as said chapter Ch. 146, R. S., to apply.

may apply, in like manner as if such provisions were incorporated in this act.

Penalty for willfully injuring or destroying dam.

SECTION 5. Any person or persons who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof, in an action of trespass, to the amount of damages done, in addition to the penalities already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved February 20,1880.

[No. 99, A.] [Published February 24, 1880.]

CHAPTER 27.

AN ACT to amend section two thousand five hundred and twenty-three of chapter one hundred and fifteen of the revised statutes, entitled of the municipal court of Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary fixed at $3,000.

SECTION 1. Section two thousand five hundred and twenty-three of the revised statutes is hereby amended so as to read as follows: "The salary of the judge of said municipal court shall be the sum of three thousand dollars per annum, to be paid as follows: Two-thirds of the same to be paid out of the county treasury of Dane county, and one-third to be paid out of the treasury of the city of Madison, to be paid quarter yearly, at the end of each quarter, out of said county and city treasuries respectively. The said sum of three thousand dollars shall be in full for all services rendred by said judge and the clerk of said municipal court. The said judge is authorized to tax and collect fees as follows: For all services rendered by him in civil and criminal actions when exercising the powers of a justice of the peace, the fees allowed to justices of the peace, except as hereinafter provided; for hearing and deciding any motion, fifty cents each; for issuing each venire, fifty cents; for making and recording all necessary orders, fifty cents each; receiving and recording verdict of a jury, fifty cents; taking and approving bail, fifty cents; each commitment, fifty cents; drawing jury, in every case, fifty cents; for services of clerk, one dollar in each criminal case and fifty cents in each civil case, and the same shall be paid as other costs in criminal cases are paid; and the

Two-thirds of salary to be paid out of county treasury; one-third out of city treasury.

Fees for services of municipal judge.

said judge or clerk shall pay the same into the county and city treasuries, to apply on the salary of said judge as follows: All costs imposed and collected in criminal cases arising under the laws of the state shall be paid into the county treasury, and all costs imposed and collected in cases arising under the charter and ordinances of said city shall be paid into the city treasury, and all costs collected in civil cases shall be paid as follows: two-thirds of the same into the county treasury of Dane county, and one-third into the treasury of the city of Madison. The clerk of the said court shall keep an accurate statement of all such costs thus collected, and file the same in the county clerk's office, at the end of each month, under his hand and the seal of said court, and shall at the same time pay over all such moneys as provided for in this act.

Wherein costs collected shall be paid into county treasury.

Also, city treasury.

SECTION 2. This act shall take effect and be in force from and after the first day of May, 1880.

Approved February 20, 1880.

[No. 6, A.] [Published February 24, 1880.]

CHAPTER 28.

AN ACT to amend section one thousand nine hundred and twenty-eight, chapter eighty-nine of the revised statutes of 1878, relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand nine hundred and twenty-eight of the revised statutes of 1878, is hereby amended by striking out the words "in" and "any" where they occur in the seventh line of said section and inserting in lieu of the word "any" the word "all," and by adding after the word "corporation," where it occurs in the eight line of said section, the words, "may be determined viva voce," so that said section when so amended shall read as follows: Section 1928. The directors subsequent to the first board shall be chosen by ballot at the annual meeting of the corporation, which shall be held on the first Tuesday after the first Monday of January of each year, unless some other day be fixed for such annual meeting by a majority of the votes of such corporation; and every person insured by such corporation shall have one vote for each two hundred dollars for which he is insured at such election; and the transaction of all other business of the corporation may be

Amendment.

The section amended.

determined viva voce; but no person shall vote by proxy, except women.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1880.

[No. 15, A.] [Published February 24, 1880.]

CHAPTER 29.

AN ACT for the protection of passengers on railroad cars, and conferring police powers on conductors and agents, in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When conductor is authorized to arrest.

SECTION 1. In case it shall become necessary for the protection of the passengers on any railroad car from the violent, abusive, profane, or indecent language or conduct of any passenger, the conductor of such train is hereby authorized and empowered to arrest summarily and without process such passenger, and remove him to the baggage car, or some safe and secure place on such train, until its arrival at some usual stopping place, when he may be put off the train and put into the custody of some proper officer for prosecution; if necessary for this purpose, railroad conductors, while in charge of trains, are hereby invested with the powers of sheriffs and constables.

Penalty for boisterous conduct and for gambling.

SECTION 2 Any person who shall, while riding in the car, either of a freight or passenger or other train, on any railroad in this state, use or utter indecent, obscene, or profane language, in the hearing of other passengers, or riotously or boisterously conduct himself to the annoyance of other passengers, or who shall obtain any money or property from any passenger or person in such car by means of any game or device, or attempt so to do, shall, on conviction thereof, be deemed guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail for a period not exceeding ninety days, or both, in the discretion of the court.

Conductors invested with powers of sheriffs and constables.

Railroad conductors are hereby invested with the powers of sheriffs and constables in regard to offenses under this section, occurring upon trains or cars in their charge, and are empowered to arrest summarily and without process and detain any person violating any of its provisions until the car or train shall arrive at some usual stopping place, where a sheriff deputy, or under

sheriff of any county, or constable, or marshal, or policeman of any city or village in this state may be, to whose custody he may deliver such offender, with a written statement, specifying generally in what respect such person has misbehaved; or if there be no such officer present to receive the offender, the conductor may deliver him to the ticket or freight agent at such stopping place, with such statement, who shall detain the offender in his custody, and may exercise the power of sheriffs and constables in regard to persons charged with crimes in doing so, until such officer may be obtained to take charge of the offender, to whom he shall be delivered, with such statement made by the conductor, and such officer shall take the person so offending into custody, and it shall be his duty to forthwith institute a complaint against such person for such offense before a justice of the peace in his county, and such justice shall have jurisdiction to try such offender and to impose the judgment authorized by this section.

Authority of ticket or freight agent to act.

Complaint to be instituted forthwith.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 19, 1880.

[No. 31, S.] [Published February 24, 1880.]

CHAPTER 30.

AN ACT to provide compensation for completing the transcribing of the senate and assembly journals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Charles E. Bross, chief clerk of the senate, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and fifty dollars, for completing the transcribing of the senate journal of the present session.

Appropriation $250.

SECTION 2. There is hereby appropriated to John E. Eldred, chief clerk of the assembly, out of any money in the state treasury not otherwise appropriated, the sum of two hundred and seventy-five dollars, for completing the transcribing of the assembly journal of the present session.

Appropriation $275.

SECTION 3. The money hereby appropriated shall be paid by the state treasurer, upon the warrant of the secretary of state, which warrant shall be issued when the duties and labor herein provided for shall have been respectively performed.

Warrant to be issued and money paid when work is done.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 20, 1880.

[No. 44, A.] [Published February 24, 1880.]

CHAPTER 31.

AN ACT to amend section four thousand seven hundred and sixty-five of chapter one hundred and ninety-four of the revised statutes of 1878, entitled of proceedings in criminal cases in justice courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section four thousand seven hundred and sixty-five of chapter one hundred and ninety-four of the revised statutes of 1878, entitled "of proceedings in criminal cases in justice courts," is hereby amended by substituting the words "clerk of the circuit court," instead of the words "county clerk," so that said section when so amended shall read as follows: Section 4765. Within twenty days after such conviction, the said justice shall cause such certificate to be filed in the office of the clerk of the circuit court of the county in which the conviction shall have been had.

Section as amended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1880.

[No. 125, A.] [Published February 24, 1880.]

CHAPTER 32.

AN ACT to authorize Andrew Tainter, John H. Knapp, Henry L. Stout, William Wilson, Thomas B. Wilson and John H. Douglass, their associates and assigns, to construct and maintain a dam across Turtle creek in Barron county, on lands owned by the Knapp, Stout & Co. Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. Andrew Tainter, John H. Knapp, Henry L. Stout, William Wilson, Thomas B. Wilson, and John H. Douglass, their associates and assigns, are hereby authorized to construct and maintain a dam across Turtle creek, in Barron county, on lands owned by the Knapp, Stout & Co. company, on section eleven, township number thirty-three north, range number fourteen west, of the fourth principal meridian, in

said county of Barron; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties free of expense and charges. Slides, etc., to be built.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1880.

[No. 126, A.] [Published February 24, 1880.]

CHAPTER 33.

AN ACT to authorize John H. Douglass, Andrew Tainter, Thomas B. Wilson, Henry L. Stout, William Wilson and John H. Knapp, and their associates and assigns, to erect and maintain a dam across Turtle creek on land owned by the Knapp, Stout & Co. company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John H. Douglass, Andrew Tainter, Thomas B. Wilson, Henry L. Stout, William Wilson and John H. Knapp, and their associates and assigns, are hereby authorized to construct and maintain a dam across Turtle creek, on land owned by the Knapp, Stout & Co. company, in section number twenty-seven, township number thirty-four, north of range number fourteen, west of the fourth principal meridian, in the county of Barron; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties free of expense and charge. Location of dam. Slides to be built.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 21, 1880.

[No. 207, A.] [Published February 24, 1880.]

CHAPTER 34.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the town of Arcadia, in the county of Trempealeau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$30,000 loan authorized.

SECTION 1. To enable the town of Arcadia, in the county of Trempealeau, to purchase and cancel the fifty thousand dollars of bonds issued by said town in the year 1873, in aid of the Green Bay & Lake Pepin railway company, the commissioners of the public lands are hereby authorized to loan to said town a portion of the trust funds of the state, not exceeding thirty thousand dollars; and the said town of Arcadia, by resolution of the town board of supervisors of said town, is hereby authorized to borrow from said funds a sum not exceeding said amount of thirty thousand dollars, and to issue to said commissioners certificates of the indebtedness so contracted, in case the said board of supervisors shall be able to negotiate the purchase of said bonds, and all of them outstanding, at a sum not exceeding thirty thousand dollars. Said certificates shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, and one-eighteenth of the principal annually, commencing two years after the time the loan is made, until the whole is paid.

Certificates of indebtedness to be issued.

How interest and principal to be paid.

Railway bonds to be surrendered to commissioners.

SECTION 2. When said purchase of said bonds shall have been negotiated by said board of supervisors, and said certificates of indebtedness, in such form as said commissioners shall prescribe, shall have been duly executed, delivered and accepted by said commissioners, the said bonds of said town issued in aid of the Green Bay & Lake Pepin railway company shall be surrendered to said commissioners, and said commissioners shall pay to the owners of said bonds, for and on account of said town, the amount of the purchase price agreed upon between said board of supervisors and the owners of said bonds, not exceeding in in the aggregate the said sum of thirty thousand dollars; upon such payment said bonds shall be duly cancelled by said commissioners and delivered to said board of supervisors.

Taxable property of town to stand charged.

SECTION 3. All the taxable property of said town of Arcadia shall stand charged for the payment of the principal and interest of said certificates of indebted-

ness, and the boundaries of said town shall not, without the consent of said commissioners and upon such terms as they shall perscribe, be so altered as to exclude therefrom any land included therein at the date of issuing such certificates of indebtedness, until such sum as the same are issued for, and all interest thereon, shall be fully paid; and there shall be annually levied upon the taxable property of said town, besides all other taxes, a tax sufficient to pay the annual interest and annual installments of principal of such indebtedness, as the same become due.

Secretary of state to certify amount due on loan.

SECTION 4. The secretary of state shall each year, until the whole loan is repaid, certify to the county clerk of Trempealeau county the amount due on said loan from said town of Arcadia, at the same time he certifies to said county clerk the amount of taxes apportioned to and levied upon said county. The county clerk on receving such certificate of the amount due from such town on said loan, shall include said amount in his apportionment of state taxes to said town, but shall carry out said amount in a separate column. The town clerk of the town of Arcadia shall charge said amount on his tax roll, and the same shall be collected by the town treasurer of said town and paid with the state tax to the county treasurer of Trempealeau county, who shall pay the same to the state treasurer with the state taxes, in the same way that other taxes are collected and paid.

Duty of county and town clerks

Acceptance of town supervisors to be filed with secretary of state.

SECTION 5. Before contracting any debt and before any of said trust funds shall be delivered to said town of Arcadia in payment of said bonds, the board of supervisors of said town shall file with the secretary of state a duly certified copy of a resolution by said board, accepting the provisions of this act and of the terms and limitations herein provided.

Sections 264 and 944, R. S., to apply.

SECTION 6. The provisions of section two hundred and sixty-four of the revised statutes shall apply to any officer required to perform any duty in relation to levy and collection of the tax to pay the principal or interest on the loan herein authorized. The provisions of section nine hundred and forty-four of the revised statutes shall also apply to said town so far as the same are applicable.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1880.

[No. 127, A.] [Published February 24, 1880.]

CHAPTER 35.

AN ACT to authorize the electors of the town of Janesville, in Rock county, to hold elections in the city of Janesville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority of town to hold its elections in the city of Janesville.

SECTION 1. At any annual meeting of the town of Janesville, in Rock county, the electors of said town may by vote, by ballot or otherwise, determine to hold the elections, general, annual, special or judicial, of said town, at any place within the city of Janesville, so determined upon, except at the place where the elections in and for said city are held; and thereafter all elections shall be held at the place so designated, until the place of holding the same shall be changed in the manner provided by law; and any election so held shall be as valid as if within the limits of said town.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1880.

[No. 136, A.] [Published February 26, 1880.]

CHAPTER 36.

AN ACT to amend an act entitled "an act to provide for the registery of electors at charter elections in the city of Milwaukee."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of an act entitled "an act to provide for the registery of electors at charter elections in the city of Milwaukee," laws of Wisconsin, 1879, is hereby amended by inserting after the word "election," where it first occurs in the twelfth line of said section two, the following: "who are otherwise entitled to vote at charter elections, and the names of all persons whose names appear on the poll list kept at said precinct at the last preceding charter election," so that said section two, when so amended shall read as follows: Section 2. Said registers shall each contain a list of the persons so qualified and entitled to vote in said election precinct, alphabetically arranged, according to their respective surnames, so as to show in one column the name at full length, and in another column the residence by the number of the dwelling, if there be a number, and the name of the street or other

Section as amended.

location of the dwelling place of each person. It shall be the duty of said inspectors to enter in said list the names of all persons residing in their election precincts whose names appear on the poll list kept in said precinct, at the last preceding general election, who are otherwise entitled to vote at charter elections, and the names of all persons whose names appear on the poll list kept at said precinct at the last preceding charter election, the number of the dwelling and the name of the street or other location, if the same shall be known to or can be ascertained by such inspectors; and for this purpose said inspectors are authorized to take from the office of the city clerk the poll lists made and filed by the inspectors of such precincts, at the general election, held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to the names on the poll list, the names of all other persons, duly qualified to vote, who shall appear in person to be registered, and the names of those qualified electors of the said precinct who shall make application in writing, which written application shall state the place of residence of such person, and such written application shall be preserved and filed with the city clerk; and the names of all persons on said poll list who have died or removed from the precinct, shall be omitted from said register. The said inspectors shall complete, as far as practicable, the said register at their first meeting as aforesaid, and shall make four copies thereof, and shall certify the register and each copy thereof to be a true list of the voters in their precinct, so far as the same are known to them. Within two days thereafter, the said original list, together with the poll list taken from the office as aforesaid, shall be filed by said inspectors in the office of the city clerk of the city of Milwaukee, and one copy of said list shall be kept by each of the said inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned for the revision and correction of the same. One copy of said list shall immediately after its completion, be posted in some conspicuous place in the room in which such meeting shall be held, and be accessible to any elector who may desire to examine the same, or make copies thereof. The inspectors shall cause ten printed copies of said list to be posted up in ten of the different and most public places within such election precinct. Said inspectors shall, in addition to the foregoing, causes to be printed not less than fifty additional copies of said list, and shall within

Duty of inspectors.

Additional names to be registered.

Four certified copies of register to be made.

Ten printed copies to be posted up.

Fifty additional copies to be printed.

three days deliver not less than ten copies of the lists so printed, to the respective chairmen of the ward committees of the principal opposing political parties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1880.

[No. 87, A] [Published February 26, 1880.]

CHAPTER 37.

AN ACT to amend section four and section sixteen of chapter one hundred and forty-eight of the laws of 1873, entitled "an act to incorporate the city of Boscobel," and to repeal section one, chapter eighty-four of the laws of 1875, entitled an act to amend chapter one hundred and forty-eight of the laws of 1873, entitled "an act to incorporate the city of Boscobel."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

List of city officers.

SECTION 1. Section four, chapter one hundred and forty-eight of the general laws of 1873, is hereby amended so as to read as follows: The officers of said city shall consist of one mayor, eight aldermen, one treasurer, two justices of the peace, and one constable who shall be ex-officio marshal of said city, all of whom shall be elected by the qualified electors of said city as hereinafter provided; and also such other officers as the mayor by and with the consent of the aldermen shall appoint. There shall be elected on the third Monday in April in each year, one mayor, one treasurer and one constable—said constable shall be ex-officio marshal—who shall hold their respective offices for one year and until their successors shall be elected and qualified; and that on the third Monday in April, 1881, there shall be elected two justices of the peace by the qualified electors of the said city at large, who shall hold their respectives offices for two years, and thereafter there shall be elected two justices of the peace every two years, and shall hold their said offices for two years; and that on the third Monday in April, 1880, there shall be elected two aldermen in each ward of said city, by the electors thereof, one of whom shall hold his office for one year, and the other for two years, and it shall be designated upon the ballots which of said aldermen shall hold for one year and which for two years; and thereafter there shall be elected one alderman every year in each ward of said city, by the electors thereof, who shall hold their respective offices for two years, and until their successors are elected and qualified.

Constable to be ex-officio marshal.

Terms of office.

SECTION 2. Section sixteen of chapter one hundred and forty-eight of the general laws of 1873, is hereby amended so as to read as follows: Section 16. The style of all ordinances passed by the mayor and common council shall be: "The mayor and common council of the city of Boscobel do ordain as follows:" The mayor and four of the aldermen shall be necessary to constitute a quorum; and in the absence of the mayor it shall require a majority of the aldermen elect to constitute a quorum for the transaction of business; and in the absence of the mayer the council shall elect one of its number mayor pro tem., who for the time being shall possess all the powers of the mayor. Section one of chapter eighty-four of the general laws of 1875, approved February 27, 1875, is hereby repealed.

Style of ordinances.

Quorum of council.

Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1880.

[No. 40, A.] [Published February 26, 1880.]

CHAPTER 38.

AN ACT to amend the charter of the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter twelve of chapter one hundred and twenty-three of the general laws of 1877, entitled "an act to revise, consolidate and amend the charter of the city of Oshkosh," the act incorporating the city, and the several acts amendatory thereof, are hereby amended by striking out the words "one hundred dollars per annum," in the thirteenth line of said section, and inserting in lieu thereof the words, "such sum per annum as the board of education may direct, not exceeding six hundred dollars per annum."

Authority of board of aldermen.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 21, 1880.

[No. 8, S.] [Published February 26, 1880.]

CHAPTER 39.

AN ACT to appropriate a certain sum of money therein named to George W. Perry.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $502.35.

SECTION 1. There is hereby appropriated, out of any money in the general fund, not not otherwise appropriated, the sum of five hundred and two and thirty-five one-hundreth dollars to George W. Perry, of Douglass county, to pay him for services and disbursements as attorney in the case of the state of Wisconsin against the city of Duluth et al.: *provided*, that no money shall become due or payable under the provisions of this act until the said George W. Perry has filed with the secretary of state a receipt in full of all demands upon the state because of the said service and disbursements, and an agreement that he does not make and will not make at any time hereafter any claim on the state on such account.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1880.

[No. 110, S.] [Published February 28, 1880.]

CHAPTER 40.

AN ACT to authorize Henry L. Stout, John H. Douglass, William Wilson, John H. Knapp, Andrew Tainter and Thomas B. Wilson, their associates and assigns, to erect and maintain a dam across Hemlock creek, in Barron county, on land owned by the Knapp, Stout & Co., company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. Henry L Stout, John H. Douglass, William Wilson, John H. Knapp, Andrew Tainter and Thomas B. Wilson, and their associates and assigns, are hereby authorized to construct and maintain a dam across Hemlock creek, on land owned by the Knapp, Stout & Co. company, in section number thirty-six (36) township thirty-six (36) north, of range number ten (10) west of the fourth principal meridian, in the county of Barron; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere

with the rights of any person heretofore acquired. The aforesaid persons, their associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties, free of expense and charge.

Slides to be built.

Logs, etc, to pass free.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1880.

[No. 112, S.] [Published March 2, 1880.]

CHAPTER 41.

AN ACT to authorize John H. Knapp, Andrew Tainter, Thomas B. Wilson, Henry L. Stout, William Wilson, John H. Douglass, their associates and assigns, to construct and maintain a dam across Hemlock creek in Chippewa county on lands owned by the Knapp, Stout & Co. company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John H. Knapp, Andrew Tainter, Thomas B. Wilson, Henry L. Stout, William Wilson and John H. Douglass, their associates and assigns, are hereby authorized to construct and maintain a dam across Hemlock creek (so called) in Chippewa county, on land owned by the said Knapp, Stout & Co. company, on section number twenty-nine, in township number thirty-six north, range number nine, west of the fourth principal meridian, in said county of Chippewa; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties free of expense and charge.

Location of dam.

Slides to be built.

Logs, etc, to pass free.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1880.

[No. 72, S.] [Published February 28, 1880.]

CHAPTER 42.

AN ACT authorizing the towns of Sigel and Flambeau, in Chippewa county, Wisconsin, to levy a special tax for the purpose of paying off certan bonds, and empowering the board of supervisors of Chippewa county to adjust the indebtedness of said towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Levy for special tax to apply only to certain territory.

SECTION 1. The board of supervisors of the town of Sigel, Chippewa county, Wisconsin, is hereby authorized, and it shall be the duty of said board at its next annual meeting for the purpose of levying taxes, to levy a special tax for the purpose of paying off its proportion of indebtedness due on certain bonds issued by the town of Anson, in said county, on the 24th day of October, 1873: *provided*, said levy shall apply only to and such tax be levied upon the territory included in towns thirty-five (35), thirty-six (36) and thirty-seven (37), ranges three (3), four (4) and five (5) west, in said county.

Duty of town board to levy special tax.

SECTION 2. The board of supervisors of the town of Flambeau, in said county, is hereby authorized, and it shall be the duty of said board to levy a special tax upon all the property in said town liable to taxation, at its next annual meeting, for the purpose of levying taxes, sufficient to pay off its indebtednes due on said bonds, except such as is hereby authorized to be levied by said town of Sigel.

Duty of county board.

SECTION 3. The board of supervisors of Chippewa county, Wisconsin, is hereby authorized, and it shall be its duty, to determine what portion of the indebtedness which at the time of the division of said town of Flambeau had been then legally incurred, should be chargeable to the portion detached from said town of Flambeau and annexed to said town of Sigel. The said board of supervisors, in fixing the proportion of indebtedness chargeable to said detached portion, shall proceed in the manner provided by section six hundred and seventy-two of the revised statutes of 1878, and the said town of Sigel shall pay the proportion of said indebtedness so declared chargeable to such detached portion when the same shall become payable, and for that purpose the town board of said town of Sigel shall levy a tax upon all the taxable property of such detached portion so chargeable therewith, sufficient to pay the same.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1880.

[No. 122, S.] [Published February 27, 1880.]

CHAPTER 43.

AN ACT in relation to the apportionment of certain school moneys to district number three, of the town of Mequon, in the county of Ozaukee, for the year 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Town clerk to apportion school money.

SECTION 1. The town clerk of the town of Mequon, in the county of Ozaukee, is hereby authorized and required to apportion to school district number three, of the town of Mequon, in said county, its proper share of the school money received from the state, county and from the town for the year 1880, notwithstanding the return of the clerk of said school district that a school had not been kept for five months by a qualified teacher.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1880.

[No. 43, S.] [Published February 27, 1880.]

CHAPTER 44.

AN ACT to authorize the superintendent of public property to furnish stationery and postage stamps to the employes of the senate and assembly, and to make an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

$8 worth of stationery and postage stamps for employes.

SECTION 1. The superintendent of public property is hereby required to furnish the employes of the senate and assembly for the year 1880, who were in service prior to the second day of February, under the chief clerk and sergeant-at-arms thereof, and to the committee clerks of the senate and assembly, stationery to the amount of five dollars each, and postage stamps to the amount of three dollars each.

$3 worth of stationery and postage stamps for messengers.

SECTION 2. The superintendent of public property shall also furnish to each messenger employed in the senate and assembly, stationery to the amount of two dollars, and postage stamps to the amount of one dollar each.

Appropriation.

SECTION 3. There is hereby appropriated to the superintendent of public property, out of any money in the state treasury not otherwise appropriated, a sum sufficient to meet the requirements of the preceding two sections of this bill.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1880.

[No. 99, S.] [Published February 27, 1880.]

CHAPTER 45.

AN ACT to appropriate a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $189.

SECTION 1. There is hereby appropriated out of the general fund to George H. Paul, one hundred and eighty-nine dollars, for his expenses in defending his right to a seat in this senate, against the claim made thereto by David J. Price.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1880.

[No. 59, S.] [Published February 28, 1880.]

CHAPTER 46.

AN ACT to appropriate to the institution for the education of the blind a sum of money therein named, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $19,723,42.

SECTION 1. There is hereby appropriated to the institution for the education of the blind, out of any money in the general fund not otherwise appropriated, the sum of nineteen thousand seven hundred and twenty-three dollars and forty-two cents, for the following purposes, viz: For the current expenses of the institution to March 1, 1881, eighteen thousand dollars; for completing sidewalk and building ice house, twelve hundred dollars; for the purchase of land, four hundred dollars; one hundred twenty-three dollars and forty-two cents for payment of account with the state prison at Waupun for chairs furnished in the year 1877: and the money hereby appropriated shall

be drawn from the treasury under the provisions of section one hundred and seventy-two of the revised statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 26, 1880.

[No. 61, S.] [Published February 27, 1880.]

CHAPTER 47.

AN ACT to appropriate to the institution for the education of the deaf and dumb a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. There is hereby appropriated to the institution for the education of the deaf and dumb, out of any money in the general fund not otherwise appropriated, the sum of fourteen thousand (14,000) dollars, to meet the current expenses of the institution to March 1, 1880, the current expense fund of the institution having been exhausted by the exigency occasioned by the burning of its main building. **Appropriation, $14,000.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 26, 1880.

[No. 97, A.] [Published March 2, 1880.]

CHAPTER 48.

AN ACT to create a municipal court for the county of Barron.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby created and established in and for the county of Barron, a municipal court, with the powers and jurisdiction hereinafter specified and provided. **Municipal court established.**

SECTION 2. On the first Tuesday in April, A. D. 1880, and every four years thereafter, there shall be elected in the county of Barron, in the same manner as county judges are elected, one municipal judge, who shall hold his office for the term of four years from the first Monday of May next following his election, and until his successor is elected and qualified, and in case of vacancy occurring in the office of municipal judge, **Time of election of municipal judge.**

the vacancy shall be filled by appointment by the governor, and the person appointed to fill such vacancy shall continue in office for the residue of the term for which his predecessor was elected or appointed.

Persons ineligible.

SECTION 3. No person shall be eligible to the office of judge of said municipal court, except an attorney of a court of record, and such judge shall hold no other county office during the term for which he is elected.

Judge to take oath of office and give bond in the sum of $3,000.

SECTION 4. The municipal judge, before entering upon the duties of his said office, shall take and subscribe the constitutional oath of office, and file the same duly certified in the office of the clerk of the circuit court for said county, and execute to the said county a bond in the sum of three thousand dollars, with two or more sureties, to be approved by the county treasurer of said county, and recorded and filed as provided in section seven hundred and two of the revised statutes, conditioned for the faithful performance of the duties required of him by law, and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office.

Office to be at county seat.

SECTION 5. The judge of the municipal court of Barron county shall hold his office at the county seat of said county, in the court room of the court house, or in some other suitable room thereat, to be provided by the board of supervisors of said county.

Jurisdiction of court.

SECTION 6. The municipal judge of the county of Barron shall have cognizance of and jurisdiction to hear, try and determine all actions and proceedings at law wherein the amount of debt, damages, demand, penalty or forfeiture shall not exceed the sum of five hundred dollars, actions to recover the possession of personal property with damages for the unlawful taking or detention thereof wherein the value of the property claimed shall not exceed the sum of five hundred dollars, and all charges for offenses arising within said county and which are not punishable by commitment to the state prison, and shall have power to sentence and commit all persons convicted of any offense of which he has jurisdiction. Said judge shall have power and jurisdiction throughout said county to cause to come before him persons who are charged with committing any criminal offense, and commit them to jail or bind them as the case may require. Said judge shall further have all the jurisdiction, authority, powers and rights given by law to justices of the peace, and shall be subject to the same prohibitions and penalties

Practice same as justice court.

as justices of the peace. The proceedings and practice of said court shall in all respect be governed, as far as practicable, by the laws relating to justices' courts of this state, and transcripts of the judgments of the municipal court may be filed and docketed with the clerk of the circuit court for said county with the same effect as may be transcripts of judgments rendered by justices of the peace of said county, and appeals, civil and criminal, from said court, may be taken in the same manner and with like effect as are provided by law from courts of justices of the peace. Nothing herein contained shall be construed to give said municipal judge cognizance of any actions mentioned in subdivisions one, two and three of section three thousand five hundred and seventy-three of chapter one hundred and fifty-four of the revised statutes.

SECTION 7. A judgment, by confession, may be entered before the judge of the municipal court for the county of Barron, in any sum not exceeding five hundred dollars, without action, either for money due or to come due, or to secure any person against contingent liability on behalf of the defendent, or both, if a statement in writing be made, signed by the defendant and verified by his oath, to the following effect: First. It must state the amount for which judgment may be entered, and authorize the entry of judgment therefor by the municipal judge of said court. Second. If it be money due or to come due, it must state concisely the fact out of which it arose, and must show that the sum confessed therefor is justly due or to become due. Third. If it be for the purpose of securing the plaintiff against a contingent liability, it must state concisely the fact constituting the liability, and must show that the sum confessed does not exceed the same. **Of judgments entered by court.**

SECTION 8. The nearest justice of the peace of said county, in case of a vacancy in the office of the municipal judge of said county, or in his absence or inability to act, shall have all the powers and jurisdiction of the municipal judge, and it shall be his duty to act in the same, and discharge all the duties of said municipal judge, until such vacancy is filled or such absence or inability to act by the municipal judge is removed. **In case of vacancy.**

SECTION 9. No action, examination or other proceeding shall be removed from said court, but whenever it shall appear by affidavit that the municipal judge is interested pecuniarily in the action, examination **When judge is pecuniarily interested in proceedings.**

or other proceeding, or that said judge is a material witness, or is within the forbidden degree of consanguinity, the municipal judge shall notify the nearest justice of the peace in the county of Barron, not disqualified to try said case, or to hear said examination or other proceeding, as the case may be: whereupon, it shall be the duty of said justice, so notified as aforesaid, to forthwith appear at the court room of said municipal court, and to discharge the duties of judge of said municipal court, on the trial of said case, or the hearing of said examination or other proceeding, in the same manner and with like effect as said municipal judge would, if not disqualified to act; and the doings of said justice of the peace, while so presiding over said municipal court, shall have and be of the same force and effect as like proceedings of said municipal judge, and when said action, examination or other proceeding is concluded, a like record, as in other like cases, shall be made in said court, and thereafter, and thereupon, execution may be issued as in other cases, tried before said municipal judge. Said justice of the peace, while presiding over said municipal court, shall receive the same fees as are allowed by law to said municipal judge for like service.

Upon removal of case from justice to municipal court.

SECTION 10. Whenever any action, examination or other proceeding shall be removed from any justice of the peace of said county of Barron upon the oath of said defendant, his agent or attorney, according to the provisions of law for such removal, if said defendant, his agent or attorney requests in writing, to such justice, that the action, examination or other proceeding be removed to the said municipal court, then the action, examination or other proceeding, and all papers therein, shall be transmitted to the presiding judge thereof, who shall proceed with the action, examination or other proceeding in the same manner as if originally instituted before him.

Trial by jury.

SECTION 11. Trial by jury may be had in said court in the same manner and process as in justices' courts.

Of sheriffs and constables.

SECTION 12. Sheriffs and constables of Barron county shall have the same power to serve and execute process of this court as of justices' courts, and shall be entitled to receive the same fees as in justices' courts.

Judge to keep docket.

SECTION 13. The judge of said court shall keep one docket for criminal trials and proceedings, and a separate docket for civil actions, and all docket entries and process shall be made and kept in the same manner, as far as applicable to this court, as the same are

required to be kept by justices of the peace under the the laws of this state.

SECTION 14. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto for every civil action or proceeding in his court. For his services in conducting criminal trials and examinations of offenders, he shall receive a salary of three hundred dollars per year for the first term of said judge, payable quarterly at the end of each quarter out of the treasury of said county, and thereafter a salary of not less than three hundred dollars per year, payable in like manner, to be fixed by the board of supervisors of said county, as provided in section six hundred and ninety-four of the revised statutes. He shall pay over to the treasurer of said county all fines paid him, imposed under the laws of this state. Of fees.

SECTION 15. In all actions in the municipal court for the county of Barron, the plaintiff, if he shall obtain judgment, shall be entitled to recover attorney fees as follows: On all judgments taken in actions wherein the defendant does not appear and answer or demur, when the amount of the judgment exceeds one hundred dollars, and is less than three hundred dollars, ten dollars; when the amount of the judgment is three hundred dollars or upwards, fifteen dollars. On all other judgments, when the amount does not exceed one hundred dollars, an amount equal to ten per cent. of the amount of the judgment. When the amount of the judgment exceeds the sum of one hundred dollars, ten dollars on the first one hundred dollars, and five per cent. on the amount of the judgment in excess of one hundred dollars: *provided*, that in no case shall the amount of the attorney fees exceed the sum of twenty dollars. And in case judgment shall be for the defendant, he shall be entitled to recover attorney fees as follows: In all cases where the plaintiff shall claim in his complaint one hundred dollars or less, an assessment equal to ten per cent. of such claim; in all cases where the plaintiff shall claim in his complaint a sum over one hundred dollars, ten dollars for the first one hundred dollars and five per cent. on the amount claimed in excess of one hundred dollars: *provided* that in no case shall the amount of the attorney fees exceed the sum of twenty dollars. The provisions of this section shall apply to proceedings for the recovery of possession of personal property, and the value of the Attorney fees. Not to exceed $20.00.

property, as found, if judgment be for the plaintiff, and as claimed, if judgment be for the defendant, shall be the basis for the taxation of attorney fees; and in all other civil actions not herein provided for, an attorney fee of ten dollars shall be allowed to the party in whose favor the judgment is rendered: *provided*, however, that no attorney fee shall be allowed unless the party who recovers judgment shall appear by an attorney of a court of record.

Stationery and blanks for office.

SECTION 16. All needful stationery and all blanks required by said court in criminal actions and examinations, and the judge's docket, required by law, shall be furnished at the expense of Barron county.

SECTION 17. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1880.

[No. 131, S.] [Published March 2, 1880.]

CHAPTER 49.

AN ACT to authorize the construction of a dam across the south branch of the Embarrass river, in Shawano county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. F. S. Breed, his associates and assigns, are hereby authorized to erect and maintain a dam across the south branch of the Embarrass river, at a point on the north half of the southwest quarter of section number ten, township number twenty-six north, of range number twelve east, and to erect and maintain mills, machinery and necessary appendages, to enable him or them to use the water of said river for hydraulic and boomage purposes: *provided*, that said dam shall not raise the water to exceed eighteen feet.

Water not to be raised over eighteen feet.

Suitable slides to be built.

SECTION 2. The aforesaid person, his associates and assigns, shall build suitable slides and chutes in said dam, so as to allow the free passage of logs and timber over said dam, and shall have full control of said dam, at all times, except for flooding and driving purposes: *and provided*, that he or they shall be subject to all of the provisions of chapter one hundred and forty-six, revised statutes, and acts amendatory thereto, so far as applicable hereto.

Logs etc., to pass free.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1880.

[No. 108, A.] [Published March 2, 1880]

CHAPTER 50.

AN ACT to amend chapter two hunderd and sixty of the laws of Wisconsin for 1877, entitled an act to revise, consolidate and amend the charter of the city of Stevens Point, approved May 17, 1858, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section thirteen of chapter eleven of said chapter two hundred and sixty of the laws of Wisconsin for 1877, is hereby amended so as to read as follows: Section 13. The common council of the city of Stevens Point shall annually, at the time of levying city taxes, levy a highway tax of not less than one or more than five mills on the dollar upon all of the taxable property of said city, as the same shall appear upon the corrected assessment rolls of said property, for the purpose of constructing and repairing streets, highways and bridges in said city, which tax so levied shall be collected or returned at the same time and manner as other city taxes are collected or returned by law. Section as amended.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Conflicting acts repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 27, 1880.

[No. 89, A.] [Published March 2, 1880.]

CHAPTER 51.

AN ACT to legalize the acts of George R. Mahoney, Henry P. Fischer, and H. J. L. Meyer, deputy clerks of the city of Milwaukee.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The official acts of George R. Mahoney, Henry P. Fischer, and H. J. L. Meyer, in administering and certifying oaths, while acting as deputy city clerks of the city of Milwaukee, for the years 1878 and 1879, are hereby legalized and declared valid. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1880.

[No. 234, A.] [Published March 2, 1880.]

CHAPTER 52.

AN ACT to authorize the removal of the bodies buried in a certain plat of ground in the town of Mackford and county of Green Lake, formerly used as a cemetery.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries of abandoned cemetery.

SECTION 1. A certain plat of ground, containing about one acre, situated near the school house in school district number four, in the town of Mackford and county of Green Lake, being on the northwest quarter of the northwest quarter of section number twenty, of township number fourteen north, of range number thirteen east, and formerly used as a cemetery, is hereby declared to have been abandoned and disused as a cemetery, and is hereby vacated as such; but nothing herein contained shall be so construed as to import that said plat ever was a legal cemetery.

Sixty days notice given to remove bodies.

SECTION 2. L. P. Grant and A. M. Freeman are hereby authorized, after having given sixty days' notice in writing of such contemplated removal to one or more relatives of any person buried in said cemetery, if such relatives are known to be residents of this state, and said relatives failing to remove such persons, to take up and remove from said ground the remains of any such persons buried there, which shall be found there after the expiration of ninety days after the passage and publication of this act, and to procure a suitable lot or lots in some legally established cemetery for the reception of such remains. And they are hereby required to make such removals decently and with proper respect for the feelings of the surviving relatives and friends of such deceased persons, and to remove and replace and reset all monuments or headstones that may be found upon the graves in said plat.

Town to pay expenses.

SECTION 3. The town board of the town of Mackford is hereby authorized and empowered to audit and allow the expenses of removing and burying said remains, and resetting such monuments and headstones.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1880.

[No. 109, A.] [Published March 2, 1880]

CHAPTER 53.

AN ACT to authorize the commissioners of the public lands to loan a portion of the trust funds of the state to the town of Lyndon, in the county of Sheboygan and state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan authorized $15,000.

SECTION 1. The commissioners of the public lands are hereby authorized to loan a portion of the trust funds of the state, not to exceed fifteen thousand dollars, to the town of Lyndon, in the county of Sheboygan and state of Wisconsin, and the said town is hereby authorized to borrow a sum not to exceed the amount above named of said commissioners, and to issue to said commissioners certificates of indebtedness so contracted; said indebtedness shall bear interest at seven per cent. per annum, and the said interest shall be paid annually, together with not less than one tenth of the sum loaned, until the whole is paid.

Rate of interest; annual payments.

Duty of secretary of state and county clerk.

SECTION 2. The secretary of state shall each year, until the whole loan is paid, furnish to the county clerk of said county the amount which will be due from such town at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk of said county, on receiving such statement, to include the amount due from such town in his apportionment of the state taxes to the said town, but it shall be carried out in a separate column, and the town clerk of said town shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer, and paid by him with the state tax to the county treasurer, who shall pay it over to the state treasurer with the state tax.

Acceptance to be filed with secretary of state.

SECTION 3. Before contracting any debt under this act, and before any of said funds shall be delivered to said town treasurer in exchange for said certificates of indebtedness, the supervisors of the said town of Lyndon shall file with the secretary of state an acceptance of the provisions of this act.

Question to be submitted to a vote of electors.

SECTION 4. The application for the aforesaid loan shall be submitted to a vote of the qualified electors of said town at the annual town meeting, and shall not be made unless approved by a majority of the electors voting at such election. The town clerk of the said town of Lyndon shall transmit to the said commissioners a statement in writing, verified by the oath of the chairman of the town board and the town clerk, show-

ing the full number of votes cast for and against such application, which shall be sufficient evidence of its approval or disapproval by the electors of the said town; that at no time shall the amount so obtained with the amount of bonded indebtedness exceed the constitutional limit.

SECTION 5. This act shall take effect and be in full force from and after its passage and publication.

Approved February 28, 1880.

[No. 65, A.] [Published March 2, 1880.]

CHAPTER 54.

AN ACT to amend section five of chapter seventy-six of the private and local laws of Wisconsin, passed in the year 1868, entitled an act to consolidate union school district number one, in the city of Beloit, joint with the towns of Beloit and Turtle, and union school district number two, of the city of Beloit, joint with the town of Beloit, and for the formation of the Beloit city school district.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section as amended.

SECTION 1. Section number five of chapter number seventy-six of the private and local laws of this state, passed and enacted in the year 1868, is hereby amended so that said section shall read as follows: Section 5. It shall be the duty of the said city school board each year to elect a clerk and treasurer of said district, each of whom shall be a resident voter in said district, and the persons so elected shall hold their offices for one year, unless removed by the board. The board may also, at any meeting thereof, fill any vacancy in either of said offices that may occur from removal, resignation or otherwise.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved February 28, 1880.

[No. 117, A.] [Published March 2, 1880.]

CHAPTER 55.

AN ACT to amend section nine hundred and twenty-five of chapter forty of the revised statutes of 1878, entitled of towns, cities and villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Question of dissolution to be [illegible]

SECTION 1. Section nine hundred and twenty-five of chapter forty of the revised statutes of 1878, entitled

of towns, cities and villages, is hereby amended by striking from first line of said section nine hundred and twenty-five the words "a majority," and inserting in lieu thereof the words "two-thirds," so that said section nine hundred and twenty-five, when so amended, shall read as follows: Section 925. If two-thirds of the ballots cast at such election on such proposition shall be for dissolution, such village shall, at the expiration of six months from the date of such election, cease to be an incorporated village. Within six months the village board shall dispose of the village property and settle, audit and allow all just claims against the village. It shall settle with the village treasurer and other officers of the village, and shall cause assets of the village to be used in paying the debts thereof. If anything remain after paying the village debts, it may designate the manner in which the same shall be used. If it has not sufficient funds to pay the debts of the village, it may levy a tax to cover such deficiency, which shall be collected as other taxes, and shall be paid out by the town treasurer in payment of the outstanding village orders or bonds.

Duty of village board.

Tax may be levied.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1880.

[No. 311, A.] [Published March 2, 1880.]

CHAPTER 56.

AN ACT to fix the salary of the chief of police in the city of Milwaukee, and to prohibit police and other officers of said city from receiving witness fees in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The salary of the chief of police of the city of Milwaukee is hereby fixed at three thousand dollars per annum, on and after the second Tuesday of April, A. D. 1880, which salary shall be in full of all demands for his services as chief of police and for collecting delinquent taxes on personal property.

Salary of chief of police.

Shall pay over

SECTION 2. The said chief of police shall collect with the delinquent taxes on personal property, put into his hands for collection, the same collection fees now established by law, and shall pay the same into the treasury of said city.

SECTION 3. No police officer or other officer of said city shall receive any fees for travel or attendance as a

Fees now established by law.

When officers of city not to receive fees.

witness in any case in which said city shall be a party tried in any court sitting in said city; but in all such cases, when such fees are properly taxable in favor of said city, they shall be taxed and collected with the other costs in the case and paid into the treasury of said city.

Repealed.

SECTION 4. All acts and parts of acts contravening the provisions of this act, in so far as they conflict herewith, are hereby repealed.

SECTION 5. This act shall take effect and be in force on and after the second Tuesday of April, A. D. 1880.

Approved February 28, 1880.

[No. 3, A.] [Published March 2, 1880.]

CHAPTER 57.

AN ACT to repeal sections sixteen hundred and twenty-three, sixteen hundred and twenty-four and sixteen hundred and twenty-five of chapter seventy-two of the revised statutes, entitled of dogs and wild animals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax on dogs repealed.

SECTION 1. Section sixteen hundred and twenty-three, sixteen hundred and twenty-four and sixteen hundred and twenty-five of chapter seventy-two of the revised statutes, entitled of dogs and wild animals, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1880.

[No. 14, A.] [Published March 2, 1880.]

CHAPTER 58.

AN ACT to restore criminal jurisdiction to the county court of Winnebago county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Of appeals from justice court.

SECTION 1. All appeals from judgments rendered by justices of the peace in criminal cases in the county of Winnebago shall be taken to the county court of said county, instead of to the circuit court.

Juries in criminal cases.

SECTION 2. Juries in such criminal cases in the county court shall be drawn, impanelled and sworn in the same manner as they are in civil actions in said county court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1880.

[No. 51, A.] [Published March 2, 1880.]

CHAPTER 59.

AN ACT to amend an act entitled an act to consolidate and amend an act to incorporate the city of Watertown and the several acts amendatory thereof, approved March 28, 1865.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Poor tax of two mills authorized.

SECTION 1. The common council of the city of Watertown may annually levy, for poor purposes in the sixth ward of said city, upon the taxable property of said ward, two mills upon the dollar, in addition to what is now levied by section three of chapter two hundred and four of the private and local laws of 1871.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1880.

[No. 90, A.] [Published March 2, 1880.]

CHAPTER 60.

AN ACT relating to the assessment and collection of highway taxes, and amendatory of subdivision two of section one thousand two hundred and forty of chapter fifty-two of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Pierce county added to list of counties wherein additional highway tax is authorized.

SECTION 1. Subdivision two of section one thousand two hundred and forty of chapter fifty two of the revised statutes is hereby amended by inserting in the sixth line of said subdivision, after the word "Ozaukee," and before the word "Polk," the word "Pierce," so that the first part of said subdivision, when so amended, will read as follows: 2. The residue of the highway taxes, to an amount of not less than one nor more than seven mills on the dollar shall be assessed on the valuation of real and personal property in each district; but the supervisors in the several towns in the counties of Ashland, Barron, Bayfield, Burnett, Calumet, Dodge, Door, Douglas, Kewaunee, Manitowoc, Monroe, Marathon, Outagamie, Ozaukee, Pierce, Polk, Richland, Sauk, Sheboygan, Vernon, Waupaca,

Washington, and of the towns of Auburn, Ashford, Byron, Eden and Osceola, in the county of Fond du Lac, shall assess any amount of highway tax, additional to the amount above authorized, which shall be ordered to be assessed at the next preceding annual town meeting, not exceeding fifteen mills on the dollar of such valuation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1880.

[No. 167, A.] [Published March 2, 1880.]

CHAPTER 61.

AN ACT to amend chapter one hundred and sixty-six of the private and local laws of 1854, entitled an act to incorporate the German and English academy in the city of Milwaukee, and to repeal an act to incorporate the Anglo-German academy in the city of Milwaukee, approved July 13, 1853.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter one hundred and sixty-six of the private and local laws of 1854, entitled "an act to incorporate the German and English academy in the city of Milwaukee, and to repeal an act to incorporate the Anglo German academy in the city of Milwaukee, approved July 13, 1853," is hereby amended so as to read as follows: Section 2. The object of the corporation is to keep and maintain a school in the city of Milwaukee, and to provide for the instruction of the pupils of said school in the elementary and higher branches of education; but no sectarian instructions whatever shall be given, and no religious test required of teachers or scholars of said school.

Object of establishment of school.

How membership may be effected.

SECTION 2. Section three of said chapter one hundred and sixty-six is hereby amended so as to read as follows: Section 3. Every person, desirous of becoming a member of the corporation, shall cause his name to be proposed at any regular meeting of the corporation. A vote may be taken at the same or any subsequent meeting, and if a majority of the members present shall vote in the affirmative, such person shall be declared elected a member of the corporation. Votes shall be taken by ayes and noes, but upon request of any two members, the vote shall be by ballot. Applications for membership may also be submitted and voted on at any regular meeting of the board of trus-

Application for membership.

tees, and the affirmative vote of a majority of the members of said board present shall be decisive of the acceptance of such person as a member of the corporation. Every member of the corporation shall contribute to the general fund of the corporation, at least four dollars per annum, payable quarterly.

Regular meetings.

SECTION 3. Section four of said chapter one hundred and sixty-six is hereby amended so as to read as follows: Section 4. The regular meetings of the corporation shall be held on such days in the months of January and July in each year as may be designated by the board of trustees, and notice of such meetings shall be given in such manner as may be provided in the by-laws of the corporation. Ten members shall constitute a quorum for the transaction of business at such meetings, and all questions shall be determined by the votes of a majority of the members present.

Election of officers, duties of same.

SECTION 4. Section five of said chapter one hundred and sixty-six is hereby amended so as to read as follows: Section 5. At the regular meeting of the corporation in January of each year, the members present shall elect a president, a recording secretary, a financial secretary, a treasurer and three directors, each of whom shall hold his office for one year, and until his successor is elected and qualified. A majority of the votes cast shall be decisive of an election. The officers so elected shall constitute the board of trustees. Said board of trustees at its first meeting each year after the annual election, shall designate one of the directors to serve as acting president, when occasion requires. Whenever the president shall be unable to perform the duties of his office, by reason of absence or sickness, the acting president shall have and exercise all the powers and discharge all the duties of the president, until the president shall resume his office. The financial secretary and treasurer shall each, before entering upon the duties of his office, execute to the corporation a bond, with two or more sureties, to be approved by the board of trustees, in such penal sum and with such conditions as said board may deem proper.

Board of trustees to keep official record, hire teachers and fix their compensation.

SECTION 5. Section six of said chapter one hundred and sixty-six is hereby amended so as to read as follows: Section 6. The board of trustees shall keep a record of all its proceedings, and transact all the business, and manage and control the affairs, funds, effects and property of the corporation, subject, however, to such rules, regulations and restrictions as may be prescribed by the by-laws. Said board shall have power

to appoint the teachers, fix their compensation and duties, approve of the regulations for the government of the school before the same shall take effect, and determine the amount to be paid for tuition. The board may, in its discretion, in particular cases, reduce or remit the tuition fee. It shall also be the duty of said board of trustees, at each regular meeting of the corporation to submit a detailed report of its proceedings, and of the affairs, condition and standing of the corporation. Whenever a vacancy occurs in the board of trustees, it shall be filled by said board, and the person so chosen shall hold his office for the unexpired term.

Special meetings.

SECTION 6. Section seven of said chapter one hundred and sixty-six is hereby amended so as to read as follows: Section 7. The president shall call a special meeting of the corporation, whenever thereto requested by two members of the board of trustees, or by five members of the corporation, and like notice thereof shall be given as is required for the regular meetings.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1880.

[No. 3, S.] [Published March 4, 1880.]

CHAPTER 62.

AN ACT to amend chapter one hundred and sixty-seven, general laws of 1879, entitled an act to amend sections three thousand three hundred and twenty-nine and three thousand three hundred and thirty of the revised statutes of 1878, entitled of liens.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment—County of Monroe added.

SECTION 1. Chapter one hundred and sixty-seven of the general laws of 1879 is hereby amended by striking from the second line of section one of said chapter the word "thirty," and inserting in lieu thereof the words "twenty-nine"; and by striking from said section all after the words "is hereby amended by," in the third line of said section, to the word "so" in the the seventh line of said section, and inserting in lieu thereof the words "by adding after the word "Marathon" where it occurs in the sixth line of said section three thousand three hundred and twenty-nine, the word "Monroe"; and by striking out the words "the same," where they occur in the twelfth line of said section one, and by adding after the words "materials furnished," where they occur in the twenty-eighth line

of said section, the following: Section 2. Section three thousand three hundred and thirty of the revised statutes of 1878 is hereby amended by adding to said section, after the words "counties of," where they occur in the second and third lines of said section, the words "Lincoln, Marathon, Portage and Wood," so that said chapter one hundred and sixty-seven of the laws of 1879, as amended, shall read as follows: Section 1. Section three thousand three hundred and twenty-nine of chapter one hundred and forty-three of the revised statutes of 1878 is hereby amended by adding to said section, after the word "Marathon," where it occurs in the sixth line of said section, the word "Monroe."

Counties of Lincoln, Marathon and Wood, added.

SECTION 2. Section three thousand three hundred and thirty of said chapter one hundred and forty-three is hereby amended by adding to said section, after the words "counties of," where they occur in the second and third lines of said section, the words "Lincoln, Marathon, Portage, Wood," so that said section, as amended, shall read as follows: Section 3329. Any person who shall furnish any supplies, rafting or other materials, or do or perform any labor or service in cutting, felling, hauling, running, driving, rafting, booming, cribbing, towing, sawing or manufacturing into lumber, any logs or timber in the counties of Ashland, Barron, Bayfield, Brown, Burnett, Chippewa, Clark, Door, Douglas, Eau Claire, Fond du Lac, Jackson, Kewaunee, La Crosse, Lincoln, Manitowoc, Marathon, Monroe, Oconto, Outagamie, Pierce, Polk, Portage, Shawano, St. Croix, Taylor, Waupaca, Winnebago or Wood, shall have a lien upon such logs or timber, for the amount due for such supplies, materials, labor or services, which shall take precedence of all other claims or liens thereon, and such liens for labor and services shall take precedence of such liens for supplies or materials: *provided*, that in the counties of Chippewa and Taylor there shall also be such lien for the services of men and teams in hauling supplies for those engaged in such business; but there shall be no such lien in said counties for any such supplies or materials furnished. Section 3330. The word "supplies," as used in the preceding section, as applicable to all the counties therein named, except the counties of Lincoln, Marathon, Portage, Wood, Fond du Lac, Outagamie, Shawano, Waupaca and Winnebago, and such portions of Brown and Oconto wherein such logs or timber are got out upon or for the purpose of running down, or are run down the Wolf river, or any of its tributaries,

List of counties where law applies.

Exception in Chippewa and Taylor counties

Of supplies.

shall be construed to mean feed used for teams, and the food necessarily used in camp to support the men, and no other thing; and in the counties and parts thereof above excepted, the words "supplies, rafting or other materials," shall be construed to mean and include all rafting or other materials used by the men and teams in and about the cutting, felling, hauling, driving, running, rafting, cribbing or towing any such logs or timber, and which are usually used by men or teams when so employed, including food for both, and all materials and articles usually or necessarily used in rafting, booming or cribbing logs or timber, and all groceries and provisions, clothing and other ordinary articles used by a laboring man or his family, and which may be furnished by an employer to an employe, or his family, while doing any such labor or services upon any such logs or timber, when the same is furnished to and does apply in payment for the labor and services on such logs and timber, and does not exceed the value of such services and labor, but shall not include horses, cattle, teams, bob-sleighs, sleds, wagons, harnesses, beds or bed clothing.

Language of act construed.

SECTION 3 This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 15, S.] [Published March 4, 1880.]

CHAPTER 63.

AN ACT to authorize James McCrossen and others to build a dam across and otherwise improve Spirit river, in Lincoln county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. James McCrossen, his associates or assigns, are hereby authorized to build and maintain a flooding dam across Spirit river, above Spirit falls, on the southeast quarter of the southwest quarter of section nine, town thirty-four, range four east, in Lincoln county, Wisconsin, and to improve Spirit river from the place where said dam shall be erected, up to the confluence of the north and south forks of Spirit river, and up the south fork of Spirit river to Spirit lake, by clearing the channel of rocks, brush and windfalls, so as to facilitate the driving of logs and timber down to said dam, and by means of flooding with said dam, to

Location of dam.

facilitate the driving of logs and timber over Spirit falls and out of Spirit river.

SECTION 2. Whenever the said James McCrossen, his associates or assigns, shall have completed such improvements and built and completed said dam, and as long as they shall keep up and maintain such improvements and said dam, they are hereby authorized and empowered to demand, receive and collect from the owners of all logs and timber passing over said dam, or driven by the aid of said dam, as a compensation for building, maintaining and operating said dam, the sum of ten cents per thousand feet, board measure, the amount to be ascertained by scale upon the landing in the woods, if there be one, if not, in any other practicable way, and the said James McCrossen, his associates and assigns, shall have a lien on all logs and timber run over said dam, or driven by the aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced under chapter one hundred and forty-three of the revised statutes of 1878, in the same manner as the lien of laborers on logs, except as to the time for filing the petition for said lien, which may, under the provisions of this bill, be filed at any time within six months after the last of the logs of any mark shall have passed over the said dam, or if driven by the aid of said dam, at any time within six months after the last of the logs of any mark shall be driven out of Spirit river; and such lien shall be prior to all other liens except liens for labor.

Toll.

Toll to be lein upon logs.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 18, S.] [Published March 3, 1880.]

CHAPTER 64.

AN ACT to appropriate to the commissioners of fisheries a certain sum therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the commissioners of fisheries of the state of Wisconsin, the sum of two thousand dollars, out of any money in the treasury not otherwise appropriated, to be expended by them in the artificial propagation and distribution of fish, pursuant to the provisions of chapter sixty-two of the revised statutes of the state of Wisconsin.

Appropriation $2,000.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 23, S.] [Published March 4, 1880.]

CHAPTER 65.

AN ACT to amend sections three thousand eight hundred and seventy-five and three thousand eight hundred and seventy-eight of the revised statutes of 1878, relating to the sale of lands by executors and administrators.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petition of executor or administrator.

SECTION 1. Section three thousand eight hundred and seventy-five of the revised statutes of the state of Wisconsin is hereby amended by adding to said section at the end thereof, the words "and if there be unknown heirs stating the fact," so that said section when so amended shall read as follows: In order to obtain such license, the executor or administrator shall present a petition verified by himself, to the county court from which he received his appointment, setting forth the amount of personal estate that has come to his hands, and how much thereof, if any, remains undisposed of; the amount of the debts outstanding against the deceased, so far as the same can be ascertained; a description of all the real estate of which the testator or intestate died seized, and the condition and value of the respective parcels thereof; and the names of the heirs, designating those that are minors, if any, and if there be unknown heirs, stating the fact.

In case of minor or unknown person.

SECTION 2. Section three thousand eight hundred and seventy-eight of the revised statutes of the state of Wisconsin is hereby amended by inserting after the word "county," in the third line of said section the words "or is an unknown person," and by inserting after the word "minor," in the sixth line of said section, the words "or unknown person," so that said section when so amended shall read as follows: If it shall appear to the county court by the petition, or other competent evidence, that any person interested in such estate is a minor and has no general guardian residing in the county, or is an unknown person, the court shall, at or before the time of making the order for hearing the petition, appoint some disinterested freeholder of said county guardian of such minor or unknown person, for the sole purpose of appearing for him and taking care of his interest in the proceedings, and the service of all orders and notices shall be made on such special guardian. If such minor shall have a general guardian in the county, such general guardian shall appear and take care of the interest of such minor, and

all orders and notices required to be served shal be served on such general guardian.

SECTION 3. This act shall take effect and be in force from and after its passage and publicatio?

Approved March 1, 1880.

[No. 27, S.] [Published March 4, 1880.]

CHAPTER 66.

AN ACT in relation to proceedings in criminal cases in justices' court, and amendatory of section four thousand seven hundred and sixty of chapter one hundred and ninety-four of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand seven hundred and sixty of the revised statutes is hereby amended by adding after the word "may," in the fourteenth line of said section, the following: "In case the complainant shall have given security for costs in the manner provided in section four thousand seven hundred and seventy-one, issue execution on said judgment against both the complainant and the surety, and if the complainant do not satisfy the execution, and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the surety; and in case the complainant has not given such security for costs, the court before whom the cause is tried may," so that said section will read, when so amended, as follows: Section 4760. Whenever the accused, tried under the provisions of this chapter, either by the court or by a jury, shall be acquitted, he shall be immediately discharged; and if the court before whom the trial is had shall certify in his docket that the complaint was willful and malicious, and without probable cause, it shall enter a judgment against the complainant to pay all the costs that shall have accrued to the court and sheriff, or constable and jury, and the fees of witnesses in the proceedings had upon such complaint. The complainant may stay such judgment for thirty days by giving satisfactory security by bond to the state, with one or more sureties, conditioned for the payment of such judgment at the expiration of thirty days; but if the complainant shall neglect to give said security, or shall neglect to pay such costs, then, in such case, the court before whom the cause is tried may, in case the complainant shall have given security for costs in the manner provided in section four

Amendment.

In case of acquittal.

Willful and malicious complaint.

Neglect of complainant to give security.

thousand seven hundred and seventy-one, issue execution on said judgment against both the complainant and the surety, and if the complainant do not satisfy the execution, and the officer cannot find sufficient property belonging to him upon which to levy, he shall levy upon the property of the surety; and in case the complainant has not given such security for costs, the court before whom the case is tried may issue execution on said judgment against the person of the complainant, in the same manner and to the like effect as is now provided by law in cases when execution may issue against a defendant in actions founded in tort; but the defendant in such judgment shall have the right of appeal therefrom as in civil cases tried before a justice of the peace, and the case shall be tried and determined by the court on such appeal upon the records and evidence in the case duly certified and returned by the magistrate.

Right of appeal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 48, S.] [Published March 4, 1880.]

CHAPTER 67.

AN ACT to amend section four thousand four hundred and fifteen, revised statutes of 1878, relating to punishment for larceny.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Wherein larceny is punishable by imprisonment in the state prison.

SECTION 1. Section four thousand four hundred and fifteen of the revised statutes of the state of Wisconsin is hereby amended by adding the words "state prison or county jail" in the thirteenth line of said section, so that said section, when so amended, shall read as follows: Any person who shall commit the crime of larceny by stealing of the property of another, any money, goods, or chattels, or any bank note, bond, promissory note, bill of exchange, order, certificate, book of account, conveyance of real estate, bill of sale, mortgage, valuable contract, receipt, release, defeasance, railroad passenger ticket, ticket of admission to any place, or any writ, process or public record, or any instrument in writing whereby any demand, right or obligation is created, increased, diminished or extinguished, or any personal property whatever, if the value thereof shall exceed the sum of one hundred dollars, shall be punished by imprisonment in the state

prison not more than five years nor less than one year; and if the value thereof shall not exceed one hundred dollars, and shall exceed twenty dollars, he shall be punished by imprisonment in the state prison or county jail not more than one year nor less than six months; and if the value thereof shall not exceed twenty dollars, he shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars; and the value of a railroad ticket shall be the price for which it is authorized to be sold to passengers by the company for which it is sold. Of fines.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 66, S.] [Published March 8 ,1880.]

CHAPTER 68.

AN ACT to extend the time limited in chapter two hundred and eighty-one, private and local laws of 1870, entitled an act to authorize Deidrich Van Hollan to keep and maintain a ferry across the St. Croix river

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time limited in section one of chapter two hundred and eighty-one, private and local laws of 1870, entitled an act to authorize Deidrich Van Hollan to keep and maintain a ferry across the St. Croix river, is hereby extended fifteen years from and after the passage of this act. Life of charte extended fifteen years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 71, S.] [Published March 8, 1880.]

CHAPTER 69.

AN ACT to legalize the acts of L. S. Rolleston, county clerk in and for the county of Columbia.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The acts of L. S. Rolleston, county clerk of Columbia county, in apportioning and levying the tax for county superintendent of schools' salary and expenses, on the taxable property of said county Legalized.

properly chargeable therewith, is hereby legalized and declared to be as valid and binding in all respects as if said salary and expenses had been duly apportioned and levied by the county board of supervisors of said county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 108, S] [Published March 3, 1880.]

CHAPTER 70.

AN ACT to authorize the justices of the peace elected in the several wards of the city of Plymouth, to keep an office and perform their duties in any part of said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Office in any part of the city.

SECTION 1. The justices of the peace elected in the several wards of the city of Plymouth, may keep an office and perform all their duties pertaining to their said office of justice of the peace, in any part of said city.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 84, S.] [Published March 3, 1880.]

CHAPTER 71.

AN ACT to legalize the official acts of Aloys Newburg, a justice of the peace, in the county of La Crosse.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The official acts of Aloys Newburg, who has officiated as justice of the peace since his election in April, 1876, shall have the same force and effect as if he had filed his bond as such justice of the peace with the clerk of the circuit court of La Crosse county, within the time required by law.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 213. S.] [Published March 3, 1880.]

CHAPTER 72.

AN ACT to amend chapter three of chapter seventy-two of the private and local laws of 1858, entitled an act to incorporate the city of Ripon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Superintendent of poor.

SECTION 1. Chapter three of chapter seventy-two of the private and local laws of 1858, is hereby amended by adding to said chapter, sections ten and eleven, as follows, to-wit: Section 10. The common council of the city of Ripon shall have power, whenever a distinction shall exist in Fond du Lac county between county poor and town poor, to appoint a city superintendent of poor, who shall, under the direction of said common council, have charge of the poor of said city.

Term of office; bonds; compensation.

SECTION 2. Section 11. The city superintendent of poor shall hold his office during the term of the council that appoints him, unless it shall sooner remove him. He shall give bonds in such sum as the council may require, and shall receive such compensation as it shall determine.

SECTION 3. All acts or parts of acts conflicting herewith are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 200, S.] [Published March 3, 1880.]

CHAPTER 73.

AN ACT to amend chapter fifty-eight of the private and local laws of 1859, entitled an act to incorporate the Madison gymnastic association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of association.

SECTION 1. That section two of chapter fifty-eight of the private and local laws of 1859, entitled an act toincorporate the Madison gymnastic association, be and the same is hereby amended by adding to said section, and at the end thereof, the following, to-wit: And the Madison gymnastic association shall also have power, in furtherance of its objects and for the purpose of improving in the use of fire arms, to pursue and promote the practice of and engage in competition in sharpshooting, and shall have and enjoy all the pow-

ers, rights, privileges and immunities secured and granted by section seventeen hundred and seventy-nine *a*, of chapter eighty-six of the revised statutes to corporations formed and organized under the said chapter eighty-six for the purpose of sharpshooting or improvement in the use of fire arms.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 1, 1880.

[No. 187, S.] [Published March 3, 1880.]

CHAPTER 74.

AN ACT to legalize the action of the board of supervisors of the county of Polk in setting off and creating the town of Georgetown, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The action of the board of supervisors of the county of Polk, in this state, in setting off and creating the town of Georgetown, in said county, is hereby legalized in all respects, and the creation of said town is hereby declared valid in all respects.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 109, S.] [Published March 4, 1880.]

CHAPTER 75.

AN ACT to authorize William Wilson, Andrew Tainter, John H. Knapp, Henry L. Stout, Thomas B. Wilson, and John H. Douglass, their associates and assigns, to construct and maintain a dam across Hay river in Barron county on land owned by the Knapp, Stout & Co. Company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. William Wilson, Andrew Tainter, John H. Knapp, Henry L. Stout, Thomas B. Wilson and John H. Douglass, their associates and assigns, are hereby authorized to construct and maintain a dam across Hay river, on section number thirty-two, in township number thirty-four north, of range number thirteen west of the fourth principal meridian, on land owned by the Knapp, Stout & Co. company, in said county of Barron; said dam to be constructed for hydraulic and manufacturing purposes, and for the pur-

pose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties free of charge.

Slides to be built.

Passage of logs, etc., to be free.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 1, 1880.

[No. 177, S.] [Published March 8, 1880.]

CHAPTER 76.

AN ACT to authorize John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglass, and their associates and assigns, to erect and maintain a dam across the Red Cedar river, on lands owned by the Knapp, Stout & Co. company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. John H. Knapp, Henry L. Stout, Andrew Tainter, William Wilson, Thomas B. Wilson and John H. Douglass, and their associates and assigns, are hereby authorized to construct and maintain a dam across the Red Cedar river, on lands owned by the Knapp, Stout & Co. company, in section number thirteen (13), township number twenty-eight (28) north, of range number thirteen (13), west of the principal meridian, in the county of Dunn; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their associates and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties free of expense and charge.

Location of dam.

Passage of logs, timber, etc., to be free.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 160. S.] [Published March 4, 1880.]

CHAPTER 77.

AN ACT to authorize A. E. Sawyer, David Austin and Richard Dewhurst to build and maintain a dam across Black river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location o dam.

SECTION 1. A. E. Sawyer, David Austin and Richard Dewhurst, their associates and assigns, are hereby authorized to build and to maintain a dam already built across Black river, on section number thirty, in township number thirty-one, range one, west of the fourth principal meridian, so as to regulate the flow of water therein, and furnish sufficient water by floods from said dam above and below, to the back water from a dam in town twenty-seven, range two west, known as the Hemlock dam.

Flood gates.

SECTION 2. Said dam shall contain suitable flood gates, and the said A. E. Sawyer, David Austin and Richard Dewhurst, their associates and assigns, shall at all times operate said dam and works for the purpose of facilitating the driving of logs from above and below said dam to the flowage of Hemlock dam, and of holding logs above said dam when necessary.

Authority for charging toll.

SECTION 3. When the said A. E. Sawyer, David Austin and Richard Dewhurst, their associates and assigns, shall have constructed said dam so as to render driving of logs and timber from said dam into the flowage of said Hemlock dam reasonably certain and practicable, with the aid of natural floods, and so long as they shall keep, maintain and operate the same so as to accomplish the results hereinbefore mentioned, the said A. E. Sawyer, David Austin and Richard Dewhurst, their associates and assigns, for and in consideration of such improvement, shall be entitled to charge

Of tolls.

and collect of all persons owning or controlling logs or timber put into said Black river or any of its tributaries above or below said dam, as follows: For all logs put in above said dam, the sum of ten cents per thousand feet; for all logs put in below said dam and above the north line of township twenty-eight, the sum of eight cents; for all logs put in below the north line of township twenty-eight, and above the flowage of Hemlock dam, the sum of five cents.

Lien for unpaid tolls.

SECTION 4. For all charges or tolls herein provided which shall remain due and unpaid, the said A. E. Sawyer, David Austin and Richard Dewhurst, their

associates and assigns, shall have a lien, which lien may be enforced the same as liens for labor may be enforced under the general statutes.

SECTION 5. The amount of said logs shall be ascertained by the surveyor of logs and lumber of the district in which said improvements are situated, in the event that the parties interested shall fail to agree. How amount of logs to be ascertained.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 188, S.] [Published March 8, 1880.]

CHAPTER 78.

AN ACT authorizing the Chicago, St. Paul and Minneapolis Railway Company to abandon, under certain conditions, that portion of its railway lying between North Wisconsin junction and the St. Croix Lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Chicago, St. Paul and Minneapolis railway company is hereby authorized and empowered to abandon that portion of its railway lying between North Wisconsin junction and the St. Croix lake, and to take up and remove the track or any part thereof therefrom, upon acquiring a permanent right to occupy and use between said points for all the purposes of its business, a railway owned or controlled by any other railway company, constructed upon a more direct route. Abandonment of track authorized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 73, S.] [Published March 4, 1880.]

CHAPTER 79.

AN ACT to create the Kewaunee harbor commission and define its duties.

The people of the state of Wisconsn, represented in senate and assembly, do enact as follows:

SECTION 1. Joseph Duval, John Carell, Conrad Meyer, Laurentz Lutz and William Rogers of the county of Kewaunee, state of Wisconsin, are hereby created the Kewaunee harbor commission. Names of commissioners.

SECTION 2. Said commissioners shall hold their Term of office

office for the period of two years from and after the passage of this act, and shall have power to elect out of their number a president, a secretary and a treasurer.

Bond of commissioners.

SECTION 3. Said commissioners shall give a bond to the town supervisors of the town of Kewaunee, Kewaunee county, Wisconsin, in the penal sum of twenty thousand dollars, with good and sufficient sureties, to be approved by the county judge of Kewaunee county, for the faithful discharge of their duties as hereinafter set forth. Upon the delivering of said bond to said supervisors, the town treasurer of said town of Kewaunee shall forthwith pay over to said commissioners upon their joint receipt, the ten thousand dollars loaned by the commissioners of public lands of the state of Wisconsin to said town of Kewaunee, as authorized by an act of the present legislature. And such commissioners may also receive such sum or sums as may be given by private subscription to aid in the construction and improvement hereinafter named.

When loan to be paid to commissioners.

Powers of commissioners.

SECTION 4. Said commissioners shall have power to order, supervise and direct the construction of piers at the place of the government survey, in said town of Kewaunee, and repair and construct and improve a harbor at the place of said survey at a cost not exceeding said sum of ten thousand dollars, and the amount which may be so as aforesaid given by private subscription. They shall have power to contract for all materials and work necessary in such construction and improvement, and to pay, lay out and expend said sum or sums, in such work of construction and improvement.

Quorum.

SECTION 5. Three of said commissioners shall constitute a quorum for business, and all appropriations of the funds, and all contracts must receive the assent of at least three of said commissioners, and all moneys shall be paid out by the treasurer of said commissioners upon the warrant of the president, countersigned by the secretary.

Duty at expiration of term.

SECTION 6. At the expiration of their terms of office, such commissioners shall render a full account and report of their doings to the board of supervisors of the said town of Kewaunee, and return to the treasurer of said town any of the aforesaid fund which may remain unexpended in their hands, taking his receipt therefor.

Compensation.

SECTION 7. The compensation of said commissioners shall be paid out of said fund aforesaid, and shall be two dollars for each day, and one dollar for each

half day, to each member of the commission, for the time actually and necessarily employed.

SECTION 8. This act shall not be construed as hereby creating or attempting to create a corporation, or a corporate organization under the laws of Wisconsin. Not a corporation.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 17, A.] [Published March 4, 1880.]

CHAPTER 80.

AN ACT to appropriate to David Wetherby and William James a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to David Wetherby and William James, out of any money in the general fund not otherwise appropriated, the sum of twenty-three hundred and fifty-three dollars, to assist in defraying the expenses of litigation, by which the title of the state of Wisconsin to the sixteenth sections of lands embraced in the Indian reservation in said state was established: *provided*, that no money shall become due or payable under the provisions of this act until the said David Wetherby and William James have filed with the secretary of state a receipt in full of all demands upon the state in consequence of said litigation, and an agreement that they do not make and will not make at any time hereafter any claim upon the state on account of the litigation which is set forth in this bill. Appropriation, $2,353.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1880.

[No. 53, A.] [Published March 4, 1880.]

CHAPTER 81.

AN ACT to appropriate to George B. McMillan a sum of money therein named, as extra pay for service in the late war.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to George B. McMillan, out of any money in the general fund not otherwise appropriated, the sum of two hundred and Appropriation. $235.83.

twenty-five dollars and eighty-three cents, as extra pay for services as a soldier in the late war, as originally contemplated by chapter one hundred and seventeen, laws of 1864.

SECTION 2. This act shall take effect and be in force from and after its passage.

Received by the governor, February 26, 1880.

Received by the secretary of state, March 2, 1880.

Note by secretary of state.

NOTE BY THE SECRETARY OF STATE.—The foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

[No. 120, S.] [Published March 6, 1880.]

CHAPTER 82.

AN ACT to authorize the Hamburg town fire insurance company to re-insure the Vernon county Scandinavian mutual insurance company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorizing Hamburg Co. to reinsure Vernon Scandinavian Ins. Co.

SECTION 1. It shall be lawful for the Hamburg town fire insurance company, when organized as a corporation, pursuant to section one thousand nine hundred and twenty-seven of the revised statutes, and it is hereby authorized to re-insure the Vernon county Scandinavian mutual fire insurance company for any and all risks taken by said Vernon county Scandinavian mutual fire insurance company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1880.

[No. 391, A.] [Published March 6, 1880.]

CHAPTER 83.

AN ACT to incorporate the city of Platteville.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

CHAPTER I.

CITY OF PLATTEVILLE—ITS CORPORATE POWERS.

Corporate powers defined.

SECTION 1. All that district of country in the county of Grant hereinafter described, shall be a city by the name of Platteville, and the people now inhabiting, and those who shall inhabit, said district, shall

be a municipal corporation by the name of the city of Platteville, and shall have the general powers possessed by municipal corporations, at common law, and in addition thereto, shall have and possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

CITY BOUNDARIES.

SECTION 2. All the territory within Grant county, described as follows, to-wit: The southeast quarter of section nine, the south half of section ten, the southwest quarter of section eleven, the west half of section fourteen, all of section fifteen, and the east half of section sixteen, of town three north, of range one west of the fourth principal meridian, shall be included in, and constitute the city of Platteville. **Boundaries of city.**

CITY GOVERNMENT.

SECTION 3. The government of said city, and the exercise of its corporate powers and management of its financial, prudential and municipal concerns, shall be vested in a mayor and six aldermen, who shall be denominated the common council; and such other officers as are hereinafter provided for. **Government vested in mayor and aldermen.**

SECTION 4. The elective officers of said city shall be one mayor, six aldermen, one justice of the peace, and one supervisor to represent the city in the county board of supervisors, and shall, until otherwise provided, be elected by the city at large. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council; and it shall be the duty of the common council, at its first meeting after the annual election in each year, or as soon thereafter as may be, to appoint a city clerk, a city treasurer, a city marshal, a city attorney, and a street commissioner, and may from time to time appoint such other officers as are hereinafter provided for, or as the common council shall ordain. All officers of the corporation, except justices of the peace, unless otherwise provided, shall hold their respective offices for one year, and until their successors are elected or appointed, and qualified. Said justice of the peace shall hold his office for the term of two years, from and after the first Monday in May succeeding his election. **Election of officers.** **Duty of council** **Terms of office.**

Such justice of the peace shall be chosen at the first election under this act, and biennially thereafter. All other elective officers of said city shall be elected annually.

CHAPTER II.

ELECTIONS.

Annual election

SECTION 1. The annual election for city officers shall be held on the second Tuesday in April each year, at such place in the city as the common council shall designate, and the polls shall be opened at nine o'clock in the forenoon and kept open until sundown of the same day; notice shall be given by the city clerk, by publication in some newspaper in said city, or by posting written or printed notices in at least three public places in said city, at least ten days previous to the holding of any election, of the time and place at which the same will be held, and of the officers to be elected thereat.

Qualified electors may vote.

SECTION 2. All qualified electors for state and county officers shall be entitled to vote at any election in said city held in pursuance of this act: *provided*, that no person shall vote at any such election, unless he be an actual resident of the city at the time he offers his vote; and a temporary residence, merely for the purpose of voting at any such election, shall not entitle him to vote thereat.

Elections to be by ballot.

SECTION 3. All elections by the people shall be by ballot, and a plurality shall constitute an election; the vote for all elective officers shall be on one ballot, and shall be deposited in one ballot box. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by lot in the presence of the common council, at such time and in such manner as it shall direct.

Inspectors of elections.

SECTION 4. Previous to the holding of any city election in said city, the common council shall appoint three of its own number to act as inspectors of such election; and in case of the absence or inability to serve, of any of the inspectors so appointed, the electors present at the time for the opening of the polls may appoint inspectors in their places. The city clerk shall be the clerk of such elections, and in his absence the inspectors may appoint a clerk. The inspectors and clerk shall take and subscribe the usual oath as prescribed by the laws of this state for inspectors and clerks of election; and the inspectors shall exercise all

City clerk to be clerk of elections.

the powers and perform all the duties prescribed for inspectors of election by the general statutes. And the elections shall be held and conducted and the votes canvassed in the same manner and under the same penalties as provided by the laws of this state in respect to elections, and returns thereof shall be made by the inspectors in the same manner as is required for returns of the election of town officers; and when completed, shall be delivered to the city clerk to be filed in his office, and the clerk shall, within five days thereafter, give to each person elected a notice of his election, except in cases of persons voting at such election.

Votes shall be canvassed.

Returns to be filed.

SECTION 5. The first election under this act shall be held on the second Tuesday in April, A. D. 1880; and all the officers of the village of Platteville in office when this act shall take effect, shall hold their respective offices until their successors shall be elected or appointed and qualified under this act; all the duties herein required of the common council and city clerk in regard to elections, shall be performed, so far as may be necessary, by the proper officers of the village of Platteville, in regard to the first election and organization of the city government under this act. In case no election shall be held on the day appointed for the first election under this act, then such first election shall be held at such time thereafter as the president and trustees of the village of Platteville shall order and appoint; and it is hereby made their duty to appoint such election within twenty days thereafter, giving at least ten days' notice thereof; and in case of failure or neglect so to do, such election may, within twenty days thereafter, be appointed and notice thereof given by any twelve freehold electors of said village of Platteville. In case of failure to elect such officers, or any of them, at such first election, or at any annual election, the corporation shall not thereby be dissolved, but a new election may be held for the election of such officers, upon due notice as herein provided.

First election.

Of failure to elect.

SECTION 6. Special elections to fill vacancies or for any other purpose authorized by law, shall be held and conducted in the same manner as is provided for the annual elections, and may be ordered by the common council, or may be called by a request being made to the city clerk in writing, signed by twelve qualified electors of said city, specifying in such request the purpose for which such election is to be held. And in either such case the city clerk shall give notice of such election, specifying particularly the purpose for which

Special elections.

the same is to be held, giving at least ten days' notice of the time and place at which such election will be held.

CHAPTER III.

REMOVALS, RESIGNATIONS AND VACANCIES.

Council may remove officers.

SECTION 1. The common council shall have power to remove, for cause, any officer or agent appointed by them, reasonable notice being first given to such officer or agent, and an opportunity afforded him to make a defense; and the mayor shall have power to suspend any such officer or agent complained of, until the case be heard and disposed of by the common council, and may fill any vacancy so created for the time being.

Cause to be heard.

Judge of circuit court may remove.

SECTION 2. Removals of any of the elective officers of said city may be made by the judge of the circuit court for like causes and in the same manner as provided in the general statutes for the removal of town and other officers by circuit judges: *provided*, that the notice required to be served in such case shall be served upon the officer complained of not less than ten nor more than thirty days before the time fixed for the hearing.

Resignation of officers.

SECTION 3. The resignation of any officer of said city may be accepted by the common council, and when so accepted such office shall be deemed vacant. Any officer removing from said city, or any officer who shall refuse, for ten days after his election or appointment, to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and such vacancy shall be filled as hereinafter provided.

Vacancy may be filled.

A vacancy in any elective office of said city shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall occur. Vacancies in any other office shall be filled by appointment, and the person so elected or appointed shall hold his office for the unexpired term and until his successor is elected or appointed and qualified.

CHAPTER IV.

OFFICERS — QUALIFICATIONS, POWERS AND DUTIES.

Oath of office to be filed.

SECTION 1. Every person elected or appointed to any office under the provisions of this act, except justices of the peace, shall, before entering upon the duties of his office, take and subscribe the oath of office prescribed by the constitution of this state, and file the same with the city clerk. The treasurer, city marshal, and such other officers as the common council may

direct, shall, before entering upon the duties of their offices, execute to the city of Platteville a bond in such sum and with such conditions as the common council shall direct, with two or more sufficient sureties, to be approved by the common council; and the common council may from time to time require new and additional bonds from any such officer; and a refusal or neglect to give the same shall be sufficient cause for removing any such officer.

Bonds.

SECTION 2. All official bonds executed to the city of Platteville, except that of the city clerk, shall be filed and safely kept by the city clerk, and shall be recorded by the clerk in a book provided for that purpose; the bond of the city clerk, if any be required, shall be filed with the treasurer. The justice of the peace shall qualify as required by the general laws of the state, except that his official bonds shall be approved by the mayor.

To be filed with city clerk.

SECTION 3. The mayor shall preside over the meetings of the common council, and shall vote in case of a tie, or at any meeting of the common council where the quorum present shall consist of the mayor and three aldermen only, as hereinafter provided. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be chief executive officer and head of the police of the city; and when, in his judgment, occasion requires, he may appoint as many temporary special policemen as shall be necessary.

Mayor to preside at meetings of council.

Laws to be observed.

Mayor to be head of police.

SECTION 4. The common council shall, at its first meeting for organization, after the annual election in each year, or as soon thereafter as may be, choose by ballot from its number a president, who, in the absence of the mayor, shall preside over the meetings of the common council, and in case of the absence of the mayor from the city, or his inability for any reason to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor, for the time being. In case of the absence of both the mayor and president at any meeting of the common council, the council may choose from its number a president *pro tem.*, who, for the time being, shall discharge all the duties of the mayor. The president, or president *pro tem.*, while presiding over the common

President to preside when mayor absent.

Acting mayor.

council, or performing the duties of mayor, shall be styled the acting mayor, and his acts shall have the same validity and force as if done by the mayor.

CITY CLERK.

Corporate seal to be kept.

SECTION 5. The city clerk shall keep the corporate seal and all the papers and records of the city, and shall attend the meetings of the common council, and keep full minutes of its proceedings, and enter the same of record; and shall keep a faithful record of all the doings and votes of the inhabitants of said city, at their annual and other legal meetings. The records kept by the clerk shall be evidence in all legal proceedings, and copies of any and all books, papers, instruments or documents, and all indorsements thereon, filed and kept in his office, and transcripts from the records in his office duly certified by him under the corporate seal of the city, shall be evidence in all courts of the contents of the same, in like manner as the originals; and abstracts from any such records or papers, so certified, shall in like manner be evidence of the particular matter to which they relate. The clerk shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the common council, and keep an accurate account thereof in a book provided for that purpose; he shall also keep an accurate account with the treasurer, and charge him with all moneys paid into the treasury. He shall draw and countersign all licenses granted by the common council. He shall be the custodian of all election returns, and of the oaths and bonds of such officers as are required to file the same in his office, and immediately upon the election or appointment and and qualifying of any officer elected or appointed in said city, he shall certify the same to the clerk of the circuit court of Grant county, under his hand and the corporate seal of said city, and in like manner shall certify to the county clerk of Grant county the election and qualifying of the supervisor or supervisers that may be elected to represent said city in the county board of supervisors. Such certificates shall be filed by the clerk of the court and county clerk respecitvely, and shall be evidence of the election and qualifying of such officers. He shall perform such other duties as are incident to his office or as may be required of him by the common council, or provided by any statute. He shall receive such compensation for his services as shall be fixed by the common council or as may be agreed upon. The clerk shall have authority to ad-

Records to be evidence.

Orders on treasury to be countersigned by clerk

Licenses to be countersigned by clerk.

Certificates of election to be filed.

Oaths and affirmations.

minister oaths and affirmations. Whenever he shall be absent, or from any cause be unable to perform the duties of his office, the common council may appoint a clerk pro tem., who for the time being shall be vested with the powers and duties of the clerk.

Duties of supervisors in county board.

SECTION 6. The supervisor shall represent the city in the county board, and perform the duties required of him by law as a member thereof.

City attorney to conduct law business.

SECTION 7. The city attorney shall conduct the law business of the corporation, but the council may, when necessary, provide assistance or employ such counsel as it may deem expedient. He shall, when required, furnish opinions upon subjects connected with the welfare of the corporation, submitted to him by the common council or any of its committees. He shall keep a docket of all cases to which the city may be a party, in any court of record, in which shall be briefly entered all steps taken in each cause, which docket shall be the property of the city and shall at all times be open to the inspection of the mayor or any member or committee of the common council. It shall also be the duty of the city attorney, when required by the common council, to draft all ordinances, bonds, contracts, leases, conveyances, and other instruments in writing, necessary to the business of the city government, and to perform such other duties as may be prescribed by the charter and ordinances of said city. He shall receive such reasonable compensation as may be agreed upon for services rendered.

Docket to be kept.

Drafts of contracts, etc.

Compensation of city attorney

STREET COMMISSIONER.

Street commissioner.

SECTION 8. The street commissioner shall see that all ordinances of the city relating to the obstructing and cleaning of sidewalks, streets, bridges, alleys, public grounds, gutters, sewers and water courses in said city, are duly observed and kept. He shall have the general supervision of all work for the making, grading, paving, gravelling, planking, repairing and cleaning of streets, bridges, alleys, public grounds, reservoirs, sewers and gutters, whether let by contract or otherwise, unless the common council shall otherwise direct. He shall receive such compensation as the common council shall determine, not exceeding two dollars per day.

Shall supervise work.

Compensation of street commissioner.

CITY SURVEYOR.

City surveyor.

SECTION 9. The common council may, whenever in its opinion it shall be necessary, appoint a city sur-

veyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and the common council shall prescribe his duties, and fix his compensation by agreement or otherwise. All surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, and recorded by him in a book provided and kept for that purpose, open to the inspection of all persons interested, and during any vacancy in the office of city surveyor shall be kept by the clerk.

Surveys to be property of city

JUSTICE OF THE PEACE.

Jurisdiction of justices of the peace.

SECTION 10. The justice of the peace elected under this act shall have the same jurisdiction, and perform all the duties of justices of the peace elected in towns, as provided by the general statutes of this state.

CITY TREASURER.

Treasurer.

SECTION 11. The treasurer of said city shall perform all such duties and exercise such powers as may be required of him by the ordinances of said city, and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in a suitable book to be provided for that purpose, and in such manner as the common council shall direct, and shall make a report in writing to the common council of the receipts and expenditures and present condition of the treasury, as often as the council shall require, and on the last Monday in March in each year, shall file in the office of the city clerk a statement showing in detail the receipts and disbursements for the preceding year, and the condition of the treasury at the date of the report. He shall receive such compensation for his services as the common council shall by resolution determine.

Accounts to be kept.

Shall file statement.

Compensation of city treasurer.

CITY MARSHAL.

City marshal to attend meetings.

SECTION 12. The city marshal shall attend the meetings of the common council when requested, and shall perform such duties as shall be prescribed by the common council for the preservation of the peace, and the collection of license moneys and fines, and shall receive such compensation as the common council may determine. He shall possess all the powers of a constable within the city limits, and be subject to the same liabilities. He shall execute and return all writs and processes to him directed, and when necessary in

Powers of city marshal.

criminal cases, or for the violation of any of the ordinances of the city or laws of this state, may pursue the offender and serve the same in any part of the state. He shall suppress all riots, disturbances and breaches of the peace, and cause to be abated all nuisances in said city. He shall apprehend all persons in the act of committing any offense against any law of this state, or violating any ordinance of said city, and within reasonable time, bring such persons before competent authority for examination, and for such services he shall receive such fees as are allowed by law to constables for like services. He shall see that all peddlers, hawkers, auctioneers, common showmen, and all other exhibitors or other persons pursuing any business or occupation subject to license under the laws of this state and the ordinances of the city, are duly licensed, and to prosecute in the name of the city all persons pursuing any such business without license, or otherwise violating the laws or ordinances in respect thereto, and shall see that all ordinances of said city are duly observed and enforced.

To compel the taking out of licenses.

PEACE OFFICERS.

SECTION 13. The mayor, acting mayor, sheriff of Grant county, each and every alderman, justice of the peace, under sheriff and deputy sheriff of Grant county, the city marshal, any policeman or watchman of said city, and each and every constable of the town of Platteville, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within said city, and for such purpose may command the assistance of all bystanders, and if need be, all citizens, and if any person shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay to said city a sum of not less than ten dollars nor more than one hundred dollars. Any peace officer may, and it shall be the duty of the city marshal to, arrest without process, any person found in a state of intoxication, or guilty of immoderate drinking, improper reveling, obscenity, boisterous or disorderly conduct in the streets or public places in said city, or in the act of committing any larceny, felony or breach of the peace, and take such persons forthwith before a justice of the peace in said city, or keep them in confinement until they become sober, or until such time as the justice can reasonably hear and dispose of such offender; and when necessary in the discharge of such duty, may call to his assistant any citizen or bystander, and any

Peace officers to suppress riots.

May arrest without process.

person refusing to assist when so requested, shall be punished as provided in the ordinances of said city.

COMMON COUNCIL.

Common council.

SECTION 14. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix their compensation; and shall have power to dismiss any officer appointed by them under the provisions of this section, at any time when in its judgment the services of such officer are no longer necessary.

Power to appoint and dismiss officers.

Books and papers to be delivered to successor.

SECTION 15. Every person having held any office in said city shall, at the expiration of his term, or upon his resignation or removal from office, on demand, deliver to his successor all the books and papers in his custody as such officer, or any property or thing in any way appertaining to his office; or if he have no successor he shall deliver the same to the city clerk or such other custodian as the common council may appoint; and any such person who shall neglect or refuse for ten days after due demand to comply with the provisions of this section, shall forfeit and pay to the use of the city not less than twenty-five dollars nor more than one hundred dollars, and shall in addition be liable to said city for all damages caused by such neglect or refusal, to be sued for and recovered in a separate action; and such successor or other lawful custodian aforesaid may recover the possession of such books, papers, property and effects in the manner prescribed by the laws of this state.

Annual meetings of council.

SECTION 16. A majority of the common council shall constitute a quorum for the transacting of business; and the style of all ordinances shall be, "The common council of the city of Platteville does ordain as follows." The common council shall hold its annual meeting on the third Tuesday of April, and thereafter stated meetings at such times and places as it shall appoint; and special meetings may be appointed by a resolution passed at any stated meeting, a quorum being present, or may be called by the mayor or any two aldermen by a notice thereof in writing to be served upon each member personally or by a copy left at his usual place of abode, at least six hours before the time of such meeting; but the presence of any member at the meeting without such notice shall be deemed a waiver of notice on his part. The common council

Waiver.

shall determine the rules for its own government and proceedings, and shall have power to preserve order, and compel the attendance of members and other officers, when necessary, at its meetings, and may adopt such by-laws for its government as it shall deem necessary or expedient. Its meetings shall be open to the public, and its books, papers and records may at all reasonable hours be examined in the presence of the clerk. The mayor shall receive a salary of fifty dollars, and each alderman twenty-five dollars per annum, for official services, but the council may allow additional compensation to any member for extra services in cases requiring the expenditure of an unusual amount of time.

Council meetings to be public.

SECTION 17. The common council shall have the management and control of the finances, and of all property of the city, and shall, in addition to all other powers herein vested in the said common council, have full power and authority to make, ordain, enact, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the city of Platteville, for the suppression of vice, the prevention of crime, and for the benefit of trade, commerce and health thereof, and for carrying into effect the powers vested in the said common council, as it shall deem expedient; and to declare and impose penalties, fines or forfeitures, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws and regulations; and such ordinances, rules, by-laws, and regulations are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes the common council shall have exclusive power and authority within said city, by ordinance, resolution or by-law:

Management of finances.

Fines and forfeitures.

1. To regulate groceries, taverns, victualing houses, saloons, gardens and all other places within said city where malt, ardent, spirituous, vinous, fermented or intoxicating liquors are sold or given away, and to license, regulate and restrain tavern keepers, groceries, keepers of saloons, victualing houses, or other houses or places for the dealing in, selling or giving away spirituous, vinous, fermented, malt, ardent or intoxicating liquors, and to regulate and determine the amount to be paid for such licenses, and to restrain or prohibit any person from vending, giving away or deal-

Regulation of groceries, saloons, etc.

ing in spirituous, vinous, fermented, malt, ardent or intoxicating liquors unless duly licensed by authority of the common council: *provided*, that the amount charged for such license shall in no case be less than one hundred dollars nor more than three hundred dollars per annum. Such licenses shall not be granted for a longer term than one year, and shall run from the first day of May: *provided, however*, that when any such license is applied for and granted after that date, the same may be granted to expire on the first day of May following, on the applicant paying pro rata therefor; and the common council may exercise all such further powers for regulating and restraining the sale of such liquors as are conferred by the general statutes in respect thereto.

Granting of license.

To license or tax billiard tables.

2. To license, tax, regulate, suppress or prohibit billiard or other ball tables, pool or bagatelle tables, nine or ten pin alleys, bowling saloons and ball alleys.

Of shows and exhibitions.

3. To license, tax, regulate, suppress and prohibit all exhibitions of common show-men, shows of any and every kind, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Gambling.

4. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, and to prohibit the playing of any games whatever for drinks or treats of any kind in places where intoxicating drinks are sold, and to order and authorize the seizure and destruction of all implements used for the purpose of gaming.

Riots, disorderly assemblages, etc.

5. To prevent any riot, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill-fame.

Nuisance to be abated.

6. To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

Breweries, tanneries and packing houses

7. To direct the location and management of, and regulate breweries, tanneries and packing houses; and and to direct the location, management and construction of, and regulate, license, restrain, abate or prohibit within the city limits, and the distance two miles therefrom, distilleries, slaughter houses, establishments for steaming or rendering lard, tallow, offal and such other

substances as may or can be rendered, and all establishments or places where any nauseous or unwholesome business may be carried on.

8. To prevent the encumbering of streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, sleds, or other vehicles, boxes, lumber, wood, or any other materials or substances whatever. Streets, sidewalks, alleys, etc.

9. To prevent horse racing, and immoderate riding or driving in the streets, and to authorize any person to stop any person or persons immoderately riding or driving, as aforesaid; to prohibit and punish the abuse of animals, and to compel all persons to fasten their horses, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in any street, alley or public ground within the city. Fast or immoderate driving.

10. To license, regulate and restrain the keeping, removal, conveying, vending and storage of gunpowder and other explosives, combustible and dangerous materials. Gunpowder explosives.

11. To regulate and determine the time and places of bathing and swimming in the waters in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct. Indecent exposure of persons.

12. To restrain, regulate or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding, and sale of the same, for the penality incurred and the costs of the proceedings; and also to impose penalties on the owners of any such animals, and collect the same for a violation of any ordinance in relation thereto. Cattle and animals at large

13. To regulate and license the keeping and to prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance. Licensing of dogs.

14. To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins, or any unwholesome substances of any kind, and on his default to authorize the removal thereof by some competent officer, at the expense of such person or persons. Unwholesome meats.

15. To make and establish public pounds, pumps, wells, cisterns and reservors, and regulate the use of the same, and to provide for the erection of water Public grounds.

works for the supply of water to the inhabitants of the city, and to prevent the unnecessary waste of water.

Lamps, and lighting streets

16. To erect lamps and regulate the lighting thereof; and to provide for lighting streets, public grounds and buildings with gas or otherwise.

Drivers of omnibuses and hacks.

17. To regulate, license and suppress omnibus drivers, hackmen, coachmen, cabmen, cartmen, draymen and all others who may pursue like occupations in said city, and to prescribe their compensation.

Restraining of runners.

18. To restrain and regulate runners and solicitors for cars, railroads, stages, public houses, or other establishments.

Boards of health.

19. To establish and regulate boards of health, and define their powers and duties.

Hospital and cemetery grounds.

20. To provide hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and exempt burial grounds, set apart for public use, from taxation.

Pest-houses.

21. To erect or establish one or more pesthouses, hospitals and dispensaries, and control and regulate the same.

Contagious diseases.

22. To regulate, control and prevent the landing or bringing into the city by railroad cars or otherwise, of persons sick or infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city, and also to make regulations to prevent the introduction of contagious or infectious diseases into the city, or their spread therein, and to make quarantine laws and regulations, and to enforce the same within the city and not exceeding two miles beyond the city limits.

Nuisances.

23. To abate and remove all nuisances under the ordinances, the laws of the state or at common law, and punish the authors thereof by penalties, forfeitures, fines and imprisonment; and to define and to declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

Public markets

24. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Driving on sidewalk.

25. To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Shooting fire-

26. To prevent the shooting or discharging of fire

arms, or fire crackers, squibs or torpedoes, and to prevent the exhibition of any fireworks in any situation which may be considered by the common council dangerous to the city or any inhabitant or property therein, or annoying to any citizen thereof. **arms, crackers, etc.**

27. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing, and punishing any person or persons who may be guilty of the same. **Vagrants and mendicants.**

28. To regulate and license butchers, butchers' shops and meat markets, and to regulate, license and restrain the sale of any goods, wares, merchandise, game, poultry, fresh meat, vegetables, fish, butter, eggs and other provisions, in the streets and other public grounds of the city, and to cause the seizure and destruction of tainted or unwholesome meat, butter, vegetables, fruit or provisions. **Butchers and butcher shops.**

29. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same. **Weighing hay and measuring wood.**

30. To compel the owners and occupants of buildings and grounds to remove snow, dirt, or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupants. **Snow, dirt and rubbish.**

31. To appoint watchmen and policemen, and to establish and regulate the police of the city, and prescribe their duties. **Watchmen and police.**

32. To regulate the times, places and manner of holding public auctions and vendues, and to tax, license and regulate auctioneers, distillers, brewers and pawnbrokers; and to tax, license, regulate, restrain or prohibit hawkers and peddlers, gift book-stores, gift concerts, and any other gift enterprise. **Auctions vendues, brewers, etc.**

33. To protect monuments in the city, and to direct and regulate the planting and preservation of trees in the streets and public grounds. **Monuments.**

34. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. **Weights and measures.**

35. To provide for and regulate the construction of gutters and sewers within said city. **Gutters and sewers.**

Laying out of streets and alleys.

36. To lay out, open, change, widen or extend streets, lanes, alleys, gutters, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same or any part thereof, or to establish and open drains, or alter, widen or straighten water courses in the manner provided by this act; and to make, alter, widen, renew or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks, as provided by this act and the ordinances of said city.

Watch-house.

37. To purchase, build or lease and maintain a watch-house or place for the confinement of offenders against the ordinances and by-laws, and for temporary detention of suspected persons.

May purchase real estate and insure property of city.

38. To receive, purchase and hold for the use of the city, any estate, real or personal, to sell and convey the same, and to insure any property of the city against loss or damage by fire, lightning, wind or hail.

Collection of taxes.

39. To levy and provide for the collection of taxes and assessments, audit claims and demands against the city, and direct orders to issue therefor; to refund or remit any tax or special assessment or any part thereof, when satisfied that the same is unjust or illegal.

Fire department.

40. To establish a fire department, and to appoint the officers and members thereof, and prescribe and regulate their duties, to provide protection from fire by the purchase of fire engines, and all the necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, cisterns reservoirs or other water works. To erect engine houses; to compel the inhabitants of the city to aid in the extinguishment of fires; and to pull down and raze such buildings in the vicinity of a fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits, or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant, and refusal or neglect by him to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in said city; to require the construction of safe places for the deposit of ashes, and prohibit the depositing the same in other

Special tax may be levied.

than such places; to regulate the putting up of stove-pipes and the construction and cleaning of chimneys; to appoint fire wardens, and to authorize them at all reasonable time to enter into and examine all dwelling houses, lots, yards, inclosures and building of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition, and generally to establish such reasonable measures for the prevention or extinguishment of fires as may be necessary and proper. The Mound City engine company number one and the Platteville hook and ladder company number one as now organized, shall be recognized as a part the fire department of said city, and shall be subject to the control of the common council the same as companies organized pursuant to this act. Fire wardens.

41. To re-number the lots and blocks of the city, or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded in the office of the register of deeds. Lots and blocks to be renumbered.

42. To regulate or prohibit the keeping of any lumber yard, hay, straw or fodder, and the placing, piling, stacking or selling of lumber, hay, straw, fodder, wood or other combustible material within the limits of the city. Lumber, hay, etc.

43. To provide for the inspection and regulation of stationary steam engines and boilers. Steam boilers and engines.

44. To authorize the arrest, fine and imprisonment as vagrants, of all persons who, not having visible means to maintain themselves, and without employment, are found idly loitering or rambling about or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, or gambling houses, or who shall be found trespassing in the night time upon the private premises of others, or begging or placing themselves in the streets or other thoroughfares, or public places, to beg or receive alms, also keepers, exhibitors or visitors at any gaming table or gambling house, and all persons who go about for the purpose of gaming, or who shall have in their possession any article, implement or thing used for obtaining money under false pretenses, or who shall disturb any concert, theater or other public entertainment, assembly, or place where public or private schools are held, either week day or Sunday, or places where religious worship is held. Vagrants.

45. To regulate or prohibit the carrying or wearing by any person under his clothing or concealed on his Concealed weapons.

person, of any pistol, sling shot or knuckles, bowie knife, dirk-knife, or dirk or dagger or any other dangerous or deadly weapon, and to provide for the confiscation and sale of any such weapons.

Authority of council to make, amend and repeal ordinances.

46. To make, ordain, amend and repeal all such ordinances, by-laws, and police regulations, not contrary to the constitution of this state, for the good order and government of the city, which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance, regulation, resolution or by-law thereof.

CHAPTER V.

Laws passed shall be signed by mayor.

SECTION 1. All laws, ordinances, regulations, resolutions and by-laws shall be passed by the affirmative vote of a majority of the common council of said city, and shall be signed by the mayor, and before going into effect shall be published at least once in some newspaper published in said city, or posted in three public places in said city: and within fifteen days thereafter they shall be recorded by the city clerk in a book provided for that purpose; but before any of the said laws, ordinances, regulations, resolutions or by-laws shall be recorded, the publication thereof shall be proved by the affidavit of the publisher or foreman of such newspaper, or by the affidavit in writing of the officer or person posting the same, which affidavit shall be recorded therewith, and at all times and in all courts and places such record shall be deemed and taken as sufficient evidence of the passage and publication or posting of such ordinance, resolution, regulation or by-law. Such record of such law, ordinance, regulation, resolution or by-law, or a copy of such record, certified by the city clerk under the seal of the city, or a newspaper, or any printed book or pamphlet containing the same, purporting to have been published by authority of the common council, shall be *prima facie* evidence of the due passage and publication or posting of such law, ordinance, regulation, resolution or by-law. No ordinance shall be passed, no appropriation shall be made, and no act, regulation, resolution or order which may create a debt or liability against said city or a charge upon any fund thereof, shall be adopted without the affirmative vote of a majority of the common council, which vote shall be taken by ayes and noes and duly entered of record.

Acts to be published.

Record of laws to be kept.

SECTION 2. No vote of the common council shall be reconsidered or rescinded at a special meeting unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken. Rescinding of a vote.

SECTION 3. The powers conferred upon the said common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, or houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, fermented, malt, ardent, or intoxicating liquors are sold without the license required therefor within the limits of the city are hereby declared and shall be deemed public or common nuisances. Abatements shall not be a bar to suits. Common nuisances.

SECTION 4. On the last Monday in March of each year, the common council shall examine, audit, and adjust the accounts of all officers of the city, and make a record of all adjustments and settlements, and shall audit and adjust all other claims against the city, and shall cause to be prepared and read at the annual election a true, detailed, and itemized statement of the finances of the city; showing the amount in the treasury at the commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived, and the whole amount thereof, and when, and to whom, and for what purpose all money paid from the treasury during the same period was paid, and the whole amount thereof, with the balance then in the treasury; which statement shall be recorded in the minute book and filed in the clerk's office, and may be published in a newspaper in the city, when ordered by the common council or directed by a vote of the electors present, when the same shall be read at the annual election. Accounts to be audited. Minute book.

CHAPTER VI.

SECTION 1. The common schools of the city of Platteville shall be under the control of the school district boards of each district, the same as if this act had not been passed. Common schools.

CHAPTER VII.

AUDITING ACCOUNTS.

SECTION 1. No account or demand against the city shall be paid until it has been audited and allowed, Auditing of accounts.

and an order drawn on the treasury therefor. Every such account shall be made out by items and verified by affidavit indorsed or annexed, that the same is just, true and correct, and no part thereof paid (or if paid in part, except as therein stated). When an account shall have been audited, the clerk shall indorse on each account the words "allowed" or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the council shall show to whom and for what purpose every such account was allowed, and the amount. Every such account, allowed in whole or in part, shall, with the affidavit thereto, be filed with the clerk, and those of each year consecutively numbered, and have indorsed the number of the order issued in payment therefor; and the clerk shall take receipts for such orders.

Minutes to show disposition of bills and accounts.

Borrowing of money.

SECTION 2. Neither the common council nor any officer of the city shall issue any time or negotiable order, or borrow any money except in the manner and for the purposes expressly declared by statute; but the common council may, in temporary necessity, by unanimous vote of the council, and not otherwise, borrow money in anticipation of the tax to be levied for the current year, not exceeding one-half of the amount of city taxes that may be lawfully levied for such year, and may give orders on the treasurer, payable at a future date therefor, with or without interest; but no such order shall be made payable at a later date than the first day of March following the date of issue of such order; and for the payment of any such order, the city tax for the same year, or a sufficient amount thereof, shall stand irrevocably pledged.

CHAPTER VIII.

LAYING OUT OR ALTERING STREETS, ALLEYS, ETC.

Laying out of streets and alleys.

SECTION 1. Whenever the common council shall intend to lay out and open, change, widen, or extend any street, lane, alley, public grounds, square or other place, or to construct and open, alter, enlarge or extend drains, canals or sewers, or alter, widen or straighten water-courses within the city, and it shall be necessary to take private property therefor, it shall cause an accurate survey and plat thereof to be made and filed with the clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them convey-

Survey to be made.

ances thereof to the city for such use in fee, if a suitable agreement can be made with such owners, but otherwise, it shall by resolution declare its purpose to take the same, and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, hour and place when and where it will apply to the county judge, or to a justice of the peace residing in said city, for a jury to condemn and appraise the same.

Notice of adoption of resolution in condemning land.

SECTION 2. It shall thereupon cause to be made by the clerk a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the judge or justice named, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the marshal or any constable on the owner of each such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts therein stated. If the notice cannot be so given as to all the parcels, then the same shall also be published once in each week, for three successive weeks, in a newspaper published in said city or in the county of Grant, and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such publication, when necessary as above provided, shall be made for three weeks, complete at least one week, and such notice served at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the judge or justice before proceeding shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

Publication to to be made.

Proceeding to condemning land.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice as provided in the preceding section, shall be filed with the judge or justice, who shall thereupon make a list of twenty-four competent jurors, not inter-

ested; but no person shall be disqualified by reason of residence in the city. He shall hear and decide any challenges for cause or favor, made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under the direction of such magistrate, each party, the common council by its representatives on the one side, and the owners of the lands or their agents present, or if none be present, or they disagree, or refuse to act, a disinterested person appointed by the judge or justice on the other, shall challenge six names, one at a time, alternately, the common council or its representatives beginning. To the twelve jurors remaining, such judge or justice shall issue a precept, requiring them at an hour, on a day named, not more than ten, nor less than three days thereafter, to appear before him to be sworn to serve as a jury to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the marshal or any constable, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy thereof at his usual place of abode, in the presence of a member of his family.

Judge shall issue precept.

Summoned jurors to appear.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the judge or justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The magistrate shall then administer to them an oath that they will well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Lands shall be viewed.

SECTION 5. Under the direction of such magistrate the jury shall view the lands to be taken, and shall there sit before him to hear such competent evidence as shall be produced by any party; and for such purpose such magistrate shall possess the same powers as a court in session, with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by them, in which it shall find whether it be necessary to take such lands, or any part thereof, for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying

Verdict.

therein the damages of each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each by reason of the taking thereof; in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and it shall be thereupon discharged, and its verdict filed with the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned and sworn, and shall proceed in the same manner.

Error in verdict may be corrected.

SECTION 6. Within ten days after such verdict, any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, and the city may likewise appeal from the award of damages to any owner, by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part thereof, and therewith an undertaking with two sufficient sureties to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof, together with one dollar for state tax. Any party not so appealing shall be forever concluded by such verdict or appraisement. Upon an appeal being taken, the magistrate shall transmit to the clerk of the circuit court within ten days the notice of appeal and undertaking, and thereto annexed a copy of all papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including the verdict, with a copy of any docket entries made by him of the proceedings, with a certificate by him thereof, and that no appeal has been taken, except as the facts are, which he shall briefly specify, and the clerk shall file such papers and record such proceedings.

Appeal may be made.

Papers, etc., shall be transmitted to clerk of circuit court.

Clerk shall file papers and record proceedings.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury, unless waived by the parties; and costs shall be awarded against the appellant, if a more favorable ver-

Appeal to be tried by jury.

dict be not obtained; otherwise, against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Clerk of circuit court shall transmit certified copy to city clerk.

Common council may enact ordinances.

SECTION 8. If the verdict of the jury first found, find it necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out, changing, widening, or extending and opening any such street, lane, alley, public ground, square, or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, but shall not enter upon any such land therefor, until the owner be paid in full the damages awarded him by such verdict or appraisement, or such damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the clerk, to permantly remain subject to his order. At any time before causing any such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when they recover costs in the circuit court.

Proceedings may be discontinued.

Expenses may be paid.

SECTION 9. For the purpose of paying of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council may by resolution levy and assess the whole or any part not less than half of such expenses as a tax upon such property as it shall determine is especially benefited thereby, making therein a list of such property, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite Such resolution, signed by the mayor and clerk, shall be published once in each week for two weeks in a newspaper printed in said city, or three copies thereof shall be posted by the clerk in three public places in the city, and a notice therewith that at a certain time therein stated the common council will meet at its usual place of meeting and hear all objections which may be made to such assessment or any part thereof. At the time so fixed the council shall meet and hear all such objections, and for that purpose may adjourn

Levy and assessment.

Council shall meet and may adjourn.

from day to day, not more than three days, and may by resolution modify such assessment in whole or in part. At any time before the first day of November next thereafter, any party liable may pay any such tax to the city treasurer. On such first day of November, if any such tax remains unpaid, the clerk shall certify a copy of such resolution to the town clerk of the town of Platteville, with a certificate of the city treasurer annexed, showing what taxes thereby levied remain unpaid; and the town clerk shall put the same, with five per centum thereon additional, upon the tax roll, in addition to and as part of all other city taxes therein levied on such land, to be collected therewith.

Duties of clerk of town of Platteville.

SECTION 10. Upon the petition in writing of all the owners of lots or land on any street or alley in the city, and not otherwise, the common council in its discretion may discontinue such street or alley, or any part thereof. At least one week before acting on such petition, the common council shall cause a written or printed notice to be posted in three public places in the city, stating when and where it will meet to decide upon such petition, and what street or alley or part thereof is proposed to be vacated.

Petition to discontinue street.

Written or printed notice to be posted.

CHAPTER IX.

IMPROVEMENTS.

SECTION 1. The common council may cause any street or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor, in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved; or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half the frontage on such side; and may order any sidewalk or gutter previously built to be put in repair, when necessary, without petition. For the purpose of so improving any street or building or repairing any sidewalk or gutter, the common council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement, as ordered, opposite such property to the center of the

Street improvements, grading, etc.

Council may levy tax.

street, or such proportion thereof, not less than half, as it shall deem justly assessable to such property, if it shall think that the whole ought not to be so assessed; in which case the remainder shall be paid from the city treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section prove insufficient to pay the cost or the proportion thereof assessed to such property, the common council may levy an additional tax thereon to make good such deficiency.

Property taxed to be described.

SECTION 2. Whenever the common council shall levy any such tax, as specified in the preceding section, it shall make out and deliver to the street commissioner of said city a list of the persons, and a description of the property taxed, together with a warrant for the collection and expenditure of said tax; and thereupon, the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said city, or by posting up notices in three or more public places of said city, and shall specify in such notice a time or times, not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment of such taxes are such as may be required by the said street commissioner, and done and furnished to his satisfaction. The street commissioner shall be provided with a book or memorandum by the city clerk, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office; the amount received and disbursed by him; the name of every person from whom money or labor is due; the amount paid in money or labor, and a correct account of all expenditures by him made as street commissioner. The book containing the account so kept shall, at all times, when required, be furnished for the inspection of the common council, and ten days before the expiration of his term of office, shall be handed to the city clerk, to be filed in his office for the inspection of the taxpayers in his district.

Street commissioner to keep account of moneys received.

Accounts to be open for inspection.

Certified lists of lots, etc., on which taxes are unpaid.

SECTION 3. At the expiration of forty days from the date of said notice given by the street commissioner, he shall make out and deliver to the clerk of the town in which said city is situated, a certified list

of the lots, pieces or tracts of land in said city upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land; and if such list be returned to said town clerk before the completion of the tax roll of said town for the same year, the said clerk shall add said delinquent taxes to said tax roll, opposite to the description of the proper lots, pieces or parcels of land therein; and the said delinquent taxes shall be collected with and in the same manner as the town taxes. If such list shall be returned to the town clerk after the completion of the tax roll and before the town treasurer's return of delinquent taxes, he shall deliver said list to said treasurer, who shall collect the same with the other taxes in said city, and add what remains uncollected of said taxes to his list of delinquent taxes returned to the county treasurer, who shall collect the same or sell the lots, pieces or parcels of land aforesaid for such delinquent taxes; and all proceedings in relation thereto shall be the same in all respects as in the case of lands sold for other delinquent taxes. Every town treasurer or county treasurer who shall collect or receive any moneys on account of such delinquent taxes shall pay the same to the treasurer of said city, and take duplicate receipts therefor, and file one of said receipts with the clerk of his town or county.

When returned to town clerk.

Town or county treasurers who collect moneys.

SECTION 4. Whenever any lot or tract or parcel of ground shall have been returned delinquent for any such tax, as hereinbefore provided, the common council may cause the work to be done at the expense of the city, to be reimbursed by such tax, when collected.

Work to be done at expense of city.

SECTION 5. Whenever the public convenience or safety shall require any sidewalk or gutter, in case of injury or defect, to be immediately repaired, and the cost of repair will not exceed ten dollars, the street commissioner may give written notice to the parties subject to tax for the repairs thereof, if known and residing in said city, and if unknown or not residents thereof, then may post written notices in three or more public places in said city, that unless such sidewalk or gutter therein to be specified, be repaired to the satisfaction of the street commissioner, within three days thereafter, he will repair the same at the expense of the property; and if the same be not in such time repaired, such commissioner shall so repair, and return the cost as a delinquent tax on such property, and the same shall be collected as other delinquent assessments, as hereinbefore provided.

Repairing of sidewalks and gutters.

CHAPTER X.

Road district.

SECTION 1. The said city shall constitute one road district of the town of Platteville, which shall be under the control of the common council, which shall possess all the powers and be subject to the liabilities of commissioners of highways in the several towns of this state. The street commissioner shall be *ex-officio* the overseer of highways in said district, and shall possess all the powers, discharge the duties, and be subject to the liabilities of an overseer of highways therein; and no other overseer of highways shall be elected for said district. The common council shall, on or before the first Monday in May in each year, assess the highway tax in said city for the ensuing year, and shall assess the same at not less than one nor more than seven mills on the dollar valuation of real and personal property in said city.

Highway tax to be assessed.

Clerk to make out and file copy of assessment.

SECTION 2. The city clerk shall within three days after the passage of an order or resolution by the common council, assessing the highway tax in said city, make and file with the town clerk of the town of Platteville, a certified copy thereof, and thereupon it shall be the duty of the said town clerk to make out a tax list for said city in the same manner as he is required to make such lists for the other road districts in said town, except that the amount thereof shall be as determined by the common council, as certified to him as aforesaid, without regard to the amount determined by the supervisors of said town for the other road districts therein; and when such list is completed, it shall be the duty of the supervisors of said town to annex thereto the usual warrant, directed to the street commissioner of the city of Platteville, and cause the same to be delivered to the street commissioner as soon thereafter as may be, not later than the third Monday in May of the same year, and such taxes shall be expended under the direction of the common council wherever upon the streets and highways of said city, in its opinion, the same shall be needed. And of any appropriations made at any annual or special town meeting in the town of Platteville for highways and bridges in said town, a just proportion shall be expended when necessary, upon the highways and bridges of said town, situate within said city, and may be so expended under the direction of the supervisors of said town, or the said supervisors may from time to time, appropriate a reasonable sum therefrom for the neces-

Moneys expended.

sary repairs of highways and bridges within said city, and cause the same to be paid into the city treasury to be so expended under the direction of the common council, and in such case may direct as to the particular highway or highways, bridge or bridges in said city where the same shall be expended, and in such case the same shall be expended according to such direction and not otherwise.

Powers of council to levy and assess taxes.

SECTION 3. The common council shall have power, and it is hereby made its duty, in each year to levy and assess upon the taxable property in said city, such sum of money as taxes, as shall be sufficient to pay and discharge the outstanding debt of the city, if any, and its expenses for the current year, after applying the money derived from all other sources to such purpose, and no more.

Kind of property to assess.

SECTION 4. All taxes levied and collected in said city for the purposes mentioned in the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of said city, as taxes for town, county and state purposes are levied and assessed.

Amount of taxes.

SECTION 5. The common council of said city shall, on or before the first Monday of November in each year, by resolution to be entered on its records, determine the amount of such city taxes to be levied and assessed on the taxable property within the corporate limits of the city for the current year. And the city clerk shall thereupon on or before the third Monday of the same month of November in each year, deliver to the town clerk of the town of Platteville, in which said city is situated, a certified copy, under his hand and name, and the corporate seal of said city, of all resolutions of said common council determining the amount of taxes to be levied and assessed for the current year, together with a concise description of all unpaid certificates of indebtedness for special assessments provided for in this act, which may or shall be on file in his office at the date of his said certificate. Said certificate shall contain a description of the lots, pieces or parcels of land chargeable therewith.

Certified copy of all resolutions.

Certificates to contain description of land.

Duty of town clerk.

SECTION 6. The town clerk of the town in which said city is situated shall assess, apportion and carry out said city taxes pro rata according to the dollar valuation upon all the real and personal property liable therefor, in a column in the tax and assessment roll of his town next thereafter issued and delivered to the town treasurer of his town for collection in the same

manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason such city taxes shall not be assessed, apportioned and carried out in said next assessment and tax roll as herein provided, it shall and may be assessed, apportioned, carried out and collected in that of any succeeding year. The said town clerk shall assess and carry out, in a separate column in the tax and assessment roll of his town in each year as aforesaid, all amounts so as aforesaid returned in each year by said city clerk as remaining unpaid for special assessments at the date of said certificate of said city clerk, opposite each lot, tract, piece or parcel of land properly chargeable therewith. The said city taxes and special assessments shall be in all respects collected or returned delinquent, in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same to the treasurer of said city. Any officer or other person who shall neglect or refuse, on demand, to pay over any such city taxes or special assessments when collected or received by him in any manner, to the said city treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of said city, both against such defaulting officer or other person and his sureties.

Manner of carrying out taxes.

Special assessments.

Liability for not paying over

Duties of town assessor.

SECTION 7. The town assessor of the town of Platteville, in which said city is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of the said city in one continuous part of his assessment roll, and foot up the valuation of all items of property assessed and valued by him within said limits.

Exempt property liable.

SECTION 8. Real estate exempt from general taxation by the laws of this state shall be subject to special assessments and taxes as other real estate under this act.

Taxes to be lien on lands.

SECTION 9. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they are assessed from the time of the levy of the same, and on all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof until such tax is paid, and no sale or transfer of such real or personal estate shall affect said lien. Any personal property belong-

ing to the person taxed may be taken and sold for the payment of taxes upon personal property. All the general laws of this state which now or may hereafter be in force relative to the assessment and collection of taxes, shall be in force in said city, as well in regard to the special taxes and assessments herein provided for as to general taxes.

Property may be sold.

SECTION 10. All directions hereby given for the assessing of and levying and collecting of taxes and special assessments shall be deemed only directory, and no error or informality in the proceedings of any of the officers intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Irregularity or informality not to affect validity of tax.

CHAPTER XI.

COLLECTION OF FINES AND FORFEITURES.

SECTION 1. All fines, forfeitures and penalties imposed by any ordinance, resolution or by-law of said city, may be sued for and recovered in a civil action in the name of the city, without being required to give security for costs before any justice of the peace of Grant county, residing in said city; such action may be commenced either by summons or warrant, and shall be prosecuted in the same manner as actions for tort before justices of the peace, and like process may be used and like proceedings shall be had as in other civil actions, and appeals may be taken to the circuit court in the same manner as from judgments in civil actions by justices of the peace, except that if taken by the defendant, he shall, as a part thereof, execute a bond to the city, with surety to be approved by the justice, conditioned that if judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part, execution may issue against both the defendant and his surety; and if the defendant be in custody, he shall be discharged upon the perfecting of such appeal.

Fines, forfeitures, etc., may be sued for.

Appellant to execute bond.

SECTION 2. In all cases mentioned in the next preceding section, it shall be sufficient if the complaint allege that the defendant is indebted to the plaintiff in the amount of the fine, penalty, or forfeiture sued for, claiming the highest sum thereof according to the provisions of such ordinance, resolution or by-law, specifying the same by section, chapter, title or otherwise, with sufficient plainness to identify the same, with a demand for judgment for the amount thereof, and if

Complaint, what to allege.

the action be commenced by warrant, the affidavit for such warrant shall be the complaint in the action.

Judgment.

SECTION 3. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty or forfeiture fixed by such ordinance, resolution or by-law, or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the costs of suit, and the court shall award execution according to the provisions of this act, and a plea of guilty shall be sufficient upon which to found a judgment.

Imprisonment of offender.

SECTION 4. In all cases in relation to which, by the provisions of this act, the common council has power to enact or pass ordinances, rules, regulations, resolutions or by-laws in relation to any subject, it may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding fifty dollars, besides the costs of prosecution for any one offense in violation of non-observance thereof; and may also provide that in default of payment of any judgment, rendered for such violation or non-observance, the offender may be imprisoned for such term as it may by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days, for which purpose the said city shall have the use of the jail of the county in which the city is situate, for the imprisonment of any person liable to be imprisoned, and any prisoner so committed shall be under the charge of the sheriff of said county; or any such person may be imprisoned in the watch house, prison house or jail provided by the city for that purpose, and be under the charge of the city marshal.

Execution, what to contain.

SECTION 5. Every execution issued upon a judgment for any violation of the provisions of this act, or for the violation or non-observance of any ordinance, by-law, rule, regulation or resolution of said city, shall contain a clause directing, that for want of goods and chattels (excepting such as the law exempts) to satisfy the same, in the event of the non-payment of the judgment or any part thereof, the imprisonment of the defendant, in the said county jail, or the jails provided by the city, as the plaintiff or its attorney shall direct, for such term as shall have been provided by this act, or the ordinance, rule, by-law, regulation or resolution under which the judgment shall have been rendered, or in the absence of such provision, for any term not exceeding thirty days, in the discretion of the court, unless such fine or forfeiture and all costs be sooner paid.

SECTION 6. All such fines, penalties and forfeitures and all license moneys, when collected, shall be paid to the city treasurer for the use of the city.

Fines, etc., to whom paid, and for what purpose.

SECTION 7. In all actions brought by or in the name of the city, or against it, the city shall have the same right of appeal, or to a writ of certiorari or of error, as individuals have, and in no case shall any judgment be rendered against the city for costs, but it shall be liable for costs in the same manner and to the same extent that the county is liable for costs in criminal cases and no more.

Right of appeal or writ of certiorari.

CHAPTER XII.

GENERAL PROVISIONS.

SECTION 1. Whenever any suit or action shall be commenced against the city, the process shall be served in the same manner as is provided in the general statutes for the service of process against cities, and the officer or officers so served shall immediately give notice thereof to the common council.

How process shall be served.

SECTION 2. No real or personal property of the city or of any of its inhabitants, or of any individual or corporation, therein, shall be levied on and sold by virtue of any execution issued to satisfy any judgment against said city.

Individual property not liable.

SECTION 3. Whenever an exemplified copy, any final judgment rendered by any court of this state against said city, together with an affidavit of the judgment creditor, his assignee, agent or attorney, stating that such judgment has not been reversed, appealed from or removed to any other court, or paid or satisfied in whole or in part, shall be filed in the office of the clerk of said city, the clerk shall give notice to the common council, which may cause the same to be paid out of any moneys in the city treasury not otherwise appropriated; but if such judgment be not paid by the time the clerk is required to certify to the town clerk the city taxes to be levied and collected upon the next tax roll of the town, as provided by this act, the city clerk shall calculate the interest on such judgment, and all costs and lawful charges thereon from the date of the judgment to the time when the warrant for the collection of such taxes will expire, and certify the same to the said town clerk with the other city taxes, and the same shall be placed on the next tax roll of the town, and collected and returned in the same manner as other city taxes, and shall be paid to the party entitled thereto.

Clerk to give notice in certain cases.

Eligibility to office.

SECTION 4. No person shall be incompetent to serve as a judge, justice or juror in any proceeding or action in which the city is interested, by reason of his being an inhabitant of said city.

Ordinances and by-laws to remain in force.

SECTION 5. All ordinances, by-laws, rules or regulations now in force in the village of Platteville, not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council of the city of Platteville after this act shall take effect, and all actions, rights, penalties, fines and forfeitures in suits or otherwise which have arisen under the charter of the village of Platteville, shall be vested in and prosecuted for the use and benefit of the city of Platteville, and said city shall succeed to all the rights and liabilities of the said village of Platteville.

Repealed.

SECTION 6. No general law of this state, contravening the provisions of this act, shall be considered or construed as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Repeal not to invalidate suit or claims.

SECTION 7. Chapter sixty-three of the laws of the state of Wisconsin enacted in the year 1861, approved March 8, 1861, entitled an act to incorporate the village of Platteville, and all other acts or parts of acts inconsistent with or conflicting with the provisions of this act, are hereby repealed. But the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contract, act, suit, claim, penalty, forfeiture or demand that may have been entered into, performed, commenced, or may exist under or by virtue of, or in pursuance of the said acts or parts of acts, or any of them; but the same shall exist, be prosecuted and enforced and carried out, as fully and effectually, to all intents and purposes, as if this act had not been passed.

Property shall vest in city.

SECTION 8. All real and personal property belonging to said village of Platteville shall vest in and become the property of the city of Platteville.

Public act.

SECTION 9. This act is hereby declared to be a public act, and shall be liberally and favorably construed in all the courts of this state, and shall take effect and be in force from and after its passage and publication.

Approved March 4, 1880.

[No. 33, A.] [Published March 8, 1880.]

CHAPTER 84.

AN ACT to authorize Charles W. Hanson to build and maintain a dam across and otherwise improve Christmas creek, in Chippewa county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Charles W. Hanson and his assigns are hereby authorized to build and maintain a dam across Christmas creek, in Chippewa county, Wisconsin, on the north half of the northwest quarter of section fourteen, town thirty-one, range five west, and to otherwise improve said creek by clearing and straightening its channel, so as to facilitate the driving of logs down and out of said creek from said described land. **Where and by whom dam may be built.**

SECTION 2. The said Charles W. Hanson shall build suitable slides and gates in said dam for the purpose of sluicing logs and timber through said dam, and shall keep the same in good repair, and operate the same for the purpose of facilitating the driving of logs down and out of said creek from above said dam. **Slides and gates to be kept in good repair.**

SECTION 3. When said dam shall have been constructed, and said creek improved as before provided so as to render the floating of logs down and out of said creek from above said dam reasonably certain, the said Charles W. Hanson, in consideration of the building of said dam and the making of said improvements, shall be entitled to charge, sue for and collect tolls on all logs cut and banked on said creek to be driven down and out of the same, ten cents per thousand feet board measure for logs banked above said dam; and five cents per thousand feet board measure for logs banked below said dam. **Tolls may be collected.**

SECTION 4. The tolls authorized by this act shall be a lien on the logs and timber subject to the same, and be enforced the same as liens for labor on logs under the general statutes. **Tolls to be a lien on logs, etc.**

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 1, A.] [Published March 9, 1880.]

CHAPTER 85.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds to county of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of loan $100,000.

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding five per cent. of the assessed value of the said county according to the assessment roll for the year 1879, and not to exceed the sum of one hundred thousand dollars, to the county board of supervisors of the county of Portage, in this state, and the said board of supervisors is hereby authorized to borrow a sum not to exceed the amount above named of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with, after five years from the date of such loan, not less than ten per cent. of the principal sum annually until the whole is paid.

Rate of interest.

Payment of principal and interest.

Secretary to apportion with state taxes the amount due of principal and interest

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax, which would be properly chargeable to said county of Portage, the annual interest due the state on said loan, and after five years, in addition thereto, annually, ten per cent of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said county, and paid over to the state, in the same way as other state taxes are collected and paid.

Board of supervisors to levy tax.

SECTION 3. At the time and in the manner provided for the levying taxes for state and county purposes, the board of supervisors of said county of Portage shall levy the amount of money required for the payment of the annual interest, and after five years, in addition thereto, annually, not less than ten per cent. of the principal sum loaned by the commissioners of public lands to the county board of said county of Portage, as provided for in the preceding sections of this act.

Indebtedness limited.

SECTION 4. And it is further provided that the said county of Portage shall never, while said certificates remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted

as well as that herein referred to, than five per cent. of its average taxable property, as the same shall appear from the last two assessment rolls.

SECTION 5. Said certificates of indebtedness shall be for the sum of five hundred dollars each, and shall be numbered from one to three hundred, inclusive, be made payable to the commissioners of public lands, and be signed by the chairman of the board of supervisors of said county, and countersigned by the clerk thereof; said certificates may be deposited by the chairman of said board with the state treasurer, as custodian thereof, together with a list of the instruments which have been heretofore issued as the bonds of said county, being two hundred of one thousand dollars each, in aid of the Wisconsin Central railroad company, with a statement of the coupons which are or were attached thereto, and are unpaid. No money shall be paid or become payable to the said county of Portage upon or for said certificates of indebtedness, and the same shall have no validity or effect unless nor until the said instruments, purporting to be the bonds of said county, with the unpaid coupons which are or were attached thereto, and are unpaid, shall be surrendered to the said commissioners for cancellation, upon their paying to the holders of the same an amount hereinafter to be agreed upon, upon the dollar of the principal mentioned in said instruments, upon which surrender, and not before, the said certificate of indebtedness shall be delivered to said commissioners by the state treasurer and become in force; but the said commissioners shall not cancel or take up any of said instruments until as many as fifty thousand dollars of them shall be offered for cancellation on the terms aforesaid. All the instruments so surrendered for cancellation with the unpaid coupons, shall be cancelled and destroyed by the said commissioners in the presence of the chairman of said board of supervisors, and the clerk of said county, all of whom shall make and sign in duplicate a certificate of said cancellation and destruction, setting forth thereon the number and amount and date of each instrument so cancelled and destroyed, and of numbers and amounts of the coupons aforesaid, one of which certificates shall be recorded in the office of said commissioners, and the other in the office of said county clerk.

Number and style of certificates.

Certificates of acceptance to be filed.

Certificates shall be recorded in offices of commissioners and county clerk.

SECTION 6. When any one of the bonds of the county of Portage shall be presented to the commissioners of public lands for surrender and cancellation,

Presentation of bonds for surrender.

without presentation therewith of all the unpaid coupons which had been attached thereto, the said commissioners may receive or surrender of such bond, and of such coupons, as are presented therewith, and pay to the holder amount to be agreed upon hereafter, principal of such bond, after deducting such proportion thereof as the unpaid coupons not presented shall bear to the sum of the principal, and of all the unpaid coupons presented and not presented, and the sum so deducted shall remain in the hands of said commissioners to be paid in satisfaction of such unpaid coupons, whenever they shall be presented for cancellation; and such coupons shall then be cancelled and destroyed, and a certificate thereof made and recorded as is provided for in said section five: *provided*, that if no more than one half of any such coupons be missing upon a bond, and the holder of such bond shall claim that said coupon has been lost, said commissioners may receive a surrender of such bond and the other unpaid coupons, and pay to the holder one half of the principal of such bond.

Instruments not to be issued as bonds of said county.

SECTION 7. Nothing herein shall be construed into a recognition of the validity of the instruments so issued as bonds of said county of Portage.

SECTION 8. This act shall be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 174, S.] [Published March 8, 1880.]

CHAPTER 86.

AN ACT to repeal certain provisions of section two thousand four hundred and seventy-eight of the revised statutes, relating to juries in county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

On payment of jury fees.

SECTION 1. So much of section two thousand four hundred and seventy-eight of the revised statutes as provides, upon the demand of a trial by jury in county courts, for the payment of a jury fee of three dollars, and to the sheriff, or one of his deputies, a fee of two dollars, is hereby repealed.

Repealed.

SECTION 2. This act shall not be construed as in any manner affecting the provisions of said section two thousand four hundred and seventy-eight, except the payment of said fees.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 199, S.] [Published March 8, 1880.]

CHAPTER 87.

AN ACT to repeal chapter two hundred and five of the laws of Wisconsin for 1879, entitled an act to limit the number of terms to which a person may be eligible to the office of county treasurer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter two hundred and five of the laws of Wisconsin for the year 1879, entitled "an act to limit the number of terms to which a person may be eligible to the office of county treasurer," is hereby repealed. Limiting terms of county treasurer, repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 214, S.] [Published March 8, 1880.]

CHAPTER 88.

AN ACT to legalize the action of the board of supervisors of Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The proceedings of the county board of supervisors of Lincoln county, at the meeting of said board held on the thirty-first day of January, A. D. 1880, are hereby legalized in all respects and declared to be as valid and binding as if such meeting had been regularly called. Legalized.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 42, S.] [Published March 9, 1880.]

CHAPTER 89.

AN ACT to amend section two thousand four hundred and thirty-seven of the revised statutes, in relation to phonographic reporters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every judge of a county court having civil jurisdiction is hereby empowered, in his discretion, to employ a phonographic reporter on the trial of civil cases in his court. Authorizing employment phonographic reporters.

SECTION 2. Such phonographic reporter shall be appointed and paid as is now provided by law for phonographic reporters in circuit courts.

SECTION 3 This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 87, S.] [Published March 8, 1880.]

CHAPTER 90.

AN ACT to appropriate to the superintendent of public property a sum of money therein named, to purchase the necessary stationery for the use of the legislature and state officers for the ensuing year.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $7,500 for stationery.

SECTION 1. There is hereby appropriated to the superintendent of public property, out of any money in the general fund not otherwise appropriated, the sum of seven thousand five hundred dollars, being the amount estimated as necessary for the purchase of stationery for the use of the legislature and state officers for the ensuing year; said sum to be disbursed in accordance with the provisions of section two hundred and eighty-nine of the revised statutes, and for the purchase of maps ordered by joint resolution number nineteen, assembly.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 164, S.] [Published March 8, 1880.]

CHAPTER 91.

AN ACT in relation to costs and fees, and amendatory of section two thousand nine hundred and twenty-seven of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Section two thousand nine hundred and twenty-seven of the revised statutes of 1878 is hereby amended by striking out the word "two" where it occurs in the third line of said section, and insert in lieu thereof the word "three," so that said section when amended shall read as follows: Section 2927. The clerk shall tax, and insert in the entry of judgment and in the docket thereof, if the same shall have been

Clerk to tax costs on notice.

docketed, on the application of the prevailing party, upon three days' notice to the other, the sum of the costs and disbursements as above provided. The disbursements shall be stated in detail and verified by affidavit, which shall be filed with the clerk.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 113, S.] [Published March 8, 1880.]

CHAPTER 92.

AN ACT to authorize Thomas B. Wilson, Andrew Tainter, William Wilson, Henry L. Stout, John H. Knapp, John H. Douglass, their associates, successors and assigns, to erect and maintan a dam across Hemlock creek, in Chippewa county, on land owned by the Knapp, Stout & Co., company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Thomas B. Wilson, Andrew Tainter, William Wilson, Henry L. Stout, John H. Knapp and John H. Douglass, and their associates, successors and assigns, are hereby authorized to construct and maintain a dam across Hemlock creek, on land owned by the Knapp, Stout & Co. company, in section number thirty, township number thirty-six north, of range number nine west of the fourth principal meridian, in the county of Chippewa; said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their associates, successors and assigns, shall build suitable slides in said dam for running logs, timber and lumber over the same, and shall keep the same in repair, and shall put through said dam all logs, timber and lumber belonging to any and all other parties free of expense and charge. **Where and by whom dam to be built.**

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 158, S.] [Published March 8, 1880.]

CHAPTER 93.

AN ACT authorizing judgments of the supreme court to be docketed in the circuit court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Compensation of clerk of supreme court for making certified transcripts.

SECTION 1. The clerk of the supreme court on demand of any person in whose favor any final judgment of said court for the recovery of money or for costs shall have been rendered, shall, upon payment to said clerk of one dollar, give to such person a certified transcript of such judgment in such form as may be prescribed by said court, and said transcript of judgment may thereafter be filed and docketed in the office of the clerk of the circuit court of any county in this state in the same manner that other judgments are docketed therein, and when so docketed shall be a like lien on the real property in the county where the same is docketed, of every person against whom said judgment shall be rendered and docketed, or which he shall thereafter acquire, as judgments of the circuit court duly rendered and docketed in the county where such transcript is so docketed. And whenever the supreme court shall remit its judgment for the recovery of money or for costs, to the court from which the appeal or writ of error was taken, such judgment shall in like manner be docketed in the court to which the same is remitted, and shall when so docketed have the like force and effect as herein provided in docketing transcripts of judgments of the supreme court.

Docketed judgment to be lien on real property

SECTION 2 This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 35, A.] [Published March 8, 1880.]

CHAPTER 94.

AN ACT to amend section four thousand four hundred and fifty-one, chapter one hundred and eighty-two, revised statutes, entitled offenses against property.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Revised statutes amended.

SECTION 1. Strike all of said section four thousand four hundred and fifty-one, and insert the following to stand in lieu thereof: "Any person who shall willfully, maliciously or mischievously drive or cause to

Willful injury to logs to be punished by

be driven or imbedded, any nails, spikes or pieces of iron, steel or other metallic substance, or any rock or stone, into any log or logs or timber intended to be cut or sawed into boards, lath, shingles or other lumber, or to be marketed for such purpose, shall be punished by imprisonment in state prison not more than five years, or by imprisonment in the county jail not more than six months, or by fine not to exceed five hundred dollars in the discretion of the court.

Fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 5, 1880.

[No. 152, A.] [Published March 9, 1880.]

CHAPTER 95.

AN ACT to authorize the county of Outagamie to borrow money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding thirty thousand dollars, to the county of Outagamie, in this state for the purpose of constructing a court house, and the said county of Outagamie is hereby authorized to borrow a sum, not exceeding thirty thousand dollars, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at seven per cent., and said interest shall be paid annually, together with not less than one twentieth of the principal sum, until the whole is paid.

Authority for making and accepting loan amounting to $30,000.

SECTION 2. Each and every year thereafter, and until the whole loan, principal and interest, shall be paid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Outagamie, the annual interest due the state on said loan, and one-twentieth of the principal sum so loaned as aforesaid; and the same shall be levied and collected out of the taxable property of said county, and paid over to the state in the same way as other state taxes are levied, collected and paid.

Interest and amount due on loan to be apportioned and pa'd with state tax.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors for said county of Outagamie

Supervisors to levy necessary tax.

shall annually levy the amount of money required for the payment of the annual interest for the current year; and not less than one-twentieth of the principal sum loaned by the commissioners of public lands to the county of Outagamie, until the whole amount of such loan is paid.

Indebtedness limited.

SECTION 4. It is hereby provided that the said county of Outagamie shall never, during the time said certificates of indebtedness, or any of them, remain unpaid, become indebted or contract debts for a greater amount than five per cent. of the average taxable property; as the same shall appear from the last two assessment rolls prior to incurring the same.

Acceptance of the provisions of this act to be filed.

SECTION 5. Before any of said funds shall be delivered to said county in exchange for said certificates of indebtedness, the board of supervisors of said county, by resolution certified to by the chairman of said board and the county clerk of said county, shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for.

Authority of county board to borrow at a lower rate of interest.

SECTION 6. In case the said board of supervisors shall deem it for the best interest of said county to effect a loan at a lower rate of interest, for the purpose of erecting and constructing a court house, nothing hereinbefore contained shall be so construed as to prevent said board from so doing; and said board of supervisors is hereby authorized to borrow money to an amount not exceeding thirty thousand dollars, at a rate of interest not to exceed six per cent. per annum: *provided*, that the interest on said loan, and one-twentieth of the whole amount of such loan shall be paid annually on the fifteenth day of May, at either the cities of Portland, Maine; Boston, Massachusetts; New York, New York; Milwaukee, Wisconsin; or Appleton, Wisconsin, as such board shall determine.

Where interest and principal to be paid.

Corporate bonds of county may be issued.

SECTION 7. In case said board of supervisors shall determine to borrow money, as provided for by section six of this act, it is hereby authorized to issue the corporate bonds of said county in such amount each as it may deem proper, not exceeding fifteen hundred dollars each, with the proper coupons for interest thereto attached, which bonds shall be signed by the chairman of said board and countersigned by the county clerk of said county, with the corporate seal of said county impressed thereon, and deliver such bonds and coupons for such sum or sums as said board shall determine to borrow; and at the time and in the manner provided

for levying taxes for state and county purposes, the board of supervisors for said county of Outagamie shall annually levy the amount of money required for the payment of the annual interest for the current year, together with not less than one-twentieth of the principal sum so borrowed.

How disbursed and accounted for.

SECTION 8. Any and all moneys borrowed pursuant to the provisions of this act, shall be paid into the county treasury, and the county treasurer shall keep, disburse, and account for the same as a separate fund, to be known and designated as the court house fund; and the board of supervisors shall require from such treasurer a specific bond, in such sum, not exceeding fifty per cent. more than the whole amount borrowed, for the faithful discharge of the specific trust thereunto appertaining. Said board may allow the county treasurer such sum, not exceeding one per cent. in all, for receiving and disbursing such fund, as it shall determine.

SECTION 9. The limitation to the power of said board to create indebtedness, as provided in section four of this act, is hereby expressly applied as a condition precedent to any loan it may determine to effect under and by virtue of the provisions of section six of this act.

SECTION 10. Said county board of supervisors is hereby fully empowered to change the site of its county court house, to any site it may acquire by gift or purchase within the limits of the city of Appleton, in said county of Outagamie.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 42, A.] [Published March 12, 1880.]

CHAPTER 96.

AN ACT to amend section six hundred and two of the revised statutes, relating to the government of the Wisconsin hospitals for the insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Separate statement for each county to be filed with secretary of state.

SECTION 1. Section six hundred and two of the revised statutes, is hereby amended so as to read as follows: Section 602. On the first day of October in each year, the superintendent of each hospital for the insane shall file with the secretary of state a separ-

ate certified statement for each county in his hospital district, attested under the seal of the hospital, setting forth the name of every patient in the hospital at any time during the fiscal year ending on the thirtieth day of September next preceding, for whose support any such county is legally chargeable, the length of time for which such support is charged, and the amount due the hospital from such county for the support of such patients, stating separately the amount due for board, and the amount due for clothing. The secretary of state shall, upon the receipt of said certified statement, charge to the respective counties, the amount so due the hospital from said counties, which amount shall be a special charge upon said counties, respectively, and shall be certified, levied, and collected with the state tax, and paid into the state treasury therewith. On the first day of January in each year, the secretary of state shall pass said amount to the credit of the proper hospital for the use, maintenance and support of said hospital, as provided by law. The superintendent shall, at the time he is required to file such certified statement with the secretary of state, send by mail to the county clerk of each county so indebted, a duplicate of the statement so filed with the secretary of state.

Duty of secretary of state.

Duplicate statement to be sent to county clerks

SECTION 2. All acts and parts of act conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 73, A.] [Published March 9, 1880.]

CHAPTER 97.

AN ACT to authorize Gustavus Werlich, his associates and assigns, to erect and maintain a dam and boom, and otherwise improve Big Rib river in Marathon county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam

SECTION 1. Gustavus Werlich, his associates and assigns, are hereby authorized to build, erect and maintain a dam across Big Rib river, in Marathon county, Wisconsin, on the southwest quarter of the southeast quarter of section thirteen, and the northwest quarter of the northeast quarter of section twenty-four, in township number thirty north, of range four east, of such height as may be necessary for the purpose of

creating boomage and water power. Also to build and maintain a boom, for the purpose of holding logs in and along the said Big Rib river above said dam, on lands owned by said Gustavus Werlich, his associates and assigns. Also to improve Rib river below said dam, for driving logs and running lumber, by clearing and straightening the channel thereof, closing sloughs, blasting out rocks, and building slides and keeping the same in repair, and to otherwise improve said river for the purposes aforesaid.

Location of boom.

Stream may be straightened and improved.

SECTION 2. The said Gustavus Werlich, his associates and assigns, shall build and maintain a suitable divide for logs or timber above said dam, and suitable slides or gates in said dam for the passage of logs and timber, and keep the same in repair.

Divide, slides and gates.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 128, A.] [Published March 9, 1880.]

CHAPTER 98.

AN ACT to authorize the city of Beaver Dam to issue bonds to build a city hall.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Beaver Dam shall have power, and it is hereby authorized to issue the bonds of said city to an amount not exceeding ten thousand dollars; said bonds shall be known and called as "city hall bonds," and shall be in such form, in such amounts, payable at such times, to such persons, and bearing such rates of interest, as the common council shall by ordinance or resolution direct, and the same shall be issued, held and used, and the proceeds thereof applied for the purpose of building and furnishing a city hall, and for no other purpose.

Style of bonds.

Rate of interest.

SECTION 2. The proceedings and resolutions of the common council of the city of Beaver Dam, had and passed on the second day of September, 1879, relating to the issuing of city bonds for the purpose of building a city hall; and all acts done by the mayor and clerk of said city, under and in pursuance of said proceedings and resolutions; and all bonds or certificates of indebtedness issued by them, under and in pursuance of said resolutions, be and the same are hereby declared legal and valid to all intents and purposes.

Council proceedings, etc., to be legalized.

Approved March 5, 1880.

[No. 189, A.] [Published March 9, 1880.]

CHAPTER 99.

AN ACT to authorize the city of Racine to pay an increased salary to the harbor master and bridge tenders of said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Payment of harbor master and bridge tenders.

SECTION 1. The common council of the city of Racine is hereby authorized to pay to the harbor master and each of the bridge tenders employed by said city during the present year the sum of fifty dollars each for services during the current year ending May 1, 1880, over and above the maximum rates fixed by the charter of said city as the salaries of such officials, respectively.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 291, A.] [Published March 9, 1880.]

CHAPTER 100.

AN ACT to amend chapter one hundred and sixty-two of the laws of 1877, entitled an act to incorporate the city of New London.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Mayor and aldermen not to receive compensation.

SECTION 1. That the following be added to section two of chapter three of said chapter one hundred and sixty-two: *Provided, also*, that the mayor and aldermen of said city shall not be entitled to receive from the treasury of said city any compensation for services rendered as such mayor or alderman, or committee appointed by such mayor or alderman.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 5, 1880.

[No. 360, A.] [Published March 9, 1880.]

CHAPTER 101.

AN ACT to authorize Guss A. Druetzer to build a pier into the waters of Green Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of pier

SECTION 1. Guss A. Druetzer, his heirs or assigns, are hereby authorized and empowered to build and

maintain a pier into the waters of Green Bay from the southeast quarter of section number twenty-four, township number thirty-four north, of range number twenty-nine east, in Door county, state of Wisconsin. Said pier to extend into the waters of Green Bay a distance of two hundred feet or more.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 342, A.] [Published March 9, 1880.]

CHAPTER 102.

AN ACT to authorize K. A. Ostergreen and his associates to construct and maintain a dam and booms on the Spirit river, in the county of Lincoln.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. K. A. Ostergreen, his associates and assigns, are hereby authorized to construct and maintain a dam for hydraulic and manufacturing purposes, across the Spirit river, on the northwest quarter of section ten, township thirty-four, range four east, in the county of Lincoln, and to erect and maintain all booms necessary for booming logs at said place: *provided*, said dam shall not exceed sixteen feet in height and shall be constructed with a suitable slide to allow the passage of rafts and logs, and shall not cause the overflow of lands owned by other parties without a fair compensation therefor, and that the main channel of said river shall at all times be and remain free and unobstructed for the passage of lumber, logs and timber rafts.

Location of dam.

Height of dam.

Overflowed lands to be paid for.

SECTION 2. The said dam and the owner or owners thereof shall be subject to the provisions of all laws of a general nature, now in force, for the construction and regulation of mills and mill dams: *provided*, said slides shall not be less than twenty-four feet in width.

General laws to apply.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 258, A.] [Published March 9, 1880.]

CHAPTER 103.

AN ACT to authorize Atley Peterson and Peter Hooverson, their associates and assigns, to construct and maintain a dam across the Kickapoo river on lands owned by them.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam

SECTION 1. Atley Peterson and Peter Hooverson, their associates and assigns, are hereby authorized to construct and maintain a dam across the Kickapoo river, on lands owned by them, upon the northwest quarter of the northeast quarter of section thirty-one, township eleven north, of range three west, in the county of Crawford. Said dam to be constructed for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream: *provided*, that said dam shall not interfere with the rights of any person heretofore acquired. The aforesaid persons, their successors and assigns, shall build a suitable slide or chute in said dam, of the width of twenty feet, for running logs, timber or lumber over the same, and shall keep the same in repair. The aforesaid persons, their successors and assigns, are hereby authorized to maintain said dam at a height of not exceeding seven feet in low water.

Slides and chute; height of dam

Penalty for injuring or destroying dam.

SECTION 2. Any person or persons who shall willfully break or destroy said dam, or shall open the same, shall be liable to the proprietors thereof in an action to the amount of damages done, in addition to the penalties already provided by law, to be recovered before any court of competent jurisdiction.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1880.

[No. 162, A.] [Published March 9, 1880]

CHAPTER 104.

AN ACT to authorize Louis Vincent and others, their associates and assigns, to build and maintain piers in the Chippewa river, at places herein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam

SECTION 1. Louis Vincent, Joseph Mondelert, Charles Mondelert, Charles Langevin and Peter Lego,

their associates and assigns, are hereby authorized and permitted to build, construct and maintain in the Chippewa river, in front of the lands of the French lumber company in sections ten, eleven and twelve, in town twenty-eight, range nine west, of which said company they are the stockholders and directors, such side, shear, assorting and glancing booms and piers as may be requisite or necessary to safely and conveniently secure, hold and assort saw logs floating down said river: *provided*, that such piers and booms do not materially obstruct the navigation of said river for rafts and boats: *and provided further*, that a safe and convenient channel and passage way is provided for them to navigate the same at all times.

Dam and piers not to obstruct navigation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 184, S.] [Published March 8, 1880.]

CHAPTER 105.

AN ACT to allow general accident insurance companies to do business in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be lawful for accident insurance companies, organized under the laws of any other state, to make insurance upon individuals of this state against personal injuries, disablement or death resulting from traveling or general accident by land or water, also against accidents by land or water, also against accidents to property from causes other than by fire or lightning, also guaranteeing the fidelity of persons holding places of public or private trust, under authority issued by the commissioner of insurance of this state. Such companies shall be possessed of a capital of one hundred thousand dollars, actually paid up, and shall have the same amount deposited with the insurance department of the state where such company is organized, and shall file annual statements, and shall be subject to the same fees and taxes as are now paid by fire insurance companies doing business in this state.

Insurance against injuries or death.

Capital of companies.

SECTION 2. The commissioner of insurance shall compute the reserve fund for reinsurance to be held by such companies at fifty per centum of the gross premiums received and receivable upon all policies which shall be in force at the time of making such computation. Whenever the capital of any company, author-

Reserve fund for reinsurance to be computed.

ized under this act, shall become impaired to the extent of fifteen per cent., or shall otherwise become unsafe, it shall become the duty of the commissioner of insurance to cancel the authority of such company.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 186, S.] [Published March 9, 1880.]

CHAPTER 106.

AN ACT in relation to the state historical society, and appropriating a sum of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State to pay for miscellaneous job priating, binding, etc.

SECTION 1. That portion of section three hundred and seventy-five, chapter twenty-four of the revised statutes, relating to the state historical society, which reads as follows: The state printer shall bind, in half calf binding the British patent reports, and in suitable binding, all newspaper files which the society shall hereafter receive, under direction of the library committee, when approved by the governor; and said printer shall print such circulars and labels as the corresponding secretary may require, shall be amended by adding the following words: The secretary of state is directed to audit the same, and for these purposes a sufficient amount is hereby appropriated out of any money in the state treasury not otherwise appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 5, 1880.

[No. 12, S.] [Published March 8, 1880.]

CHAPTER 107.

AN ACT relating to fences.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Description of legal fence.

SECTION 1. Any fence consisting of a combination of wire and pickets, constructed of posts securely set in the ground, not more than fifteen feet apart, connected by three or more wires not less in size than number nine wire, with pickets not less than four feet long, nor more than six inches apart, the pickets securely fas-

tened to the wire, shall be deemed a legal fence within the meaning of sections one thousand three hundred and ninety and one thousand eight hundred and ten of the revised statutes, and all other laws pertaining to fences.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 90, S.] [Published March 8, 1880.]

CHAPTER 108.

AN ACT to appropriate to the industrial school for boys, a certain sum of money for current expenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the industrial school for boys, out of any money in the general fund not otherwise appropriated, the sum of nineteen thousand nine hundred and sixty-seven dollars, to pay the current expenses of the school for the year 1880, and the same shall be drawn from the treasury under the provisions of section one hundred and seventy-two of the revised statutes. Appropriation, $19,967.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 231, S.] [Published March 8, 1880.]

CHAPTER 109.

AN ACT to amend section two thousand four hundred and twenty-four of the revised statutes, relating to the time of holding court in Brown county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The paragraph of section two thousand four hundred and twenty-four of the revised statutes which fixes the times for holding circuit courts in Brown county is hereby amended by striking out the word "first" next before the words "Monday in September," and inserting in lieu thereof the word "third," so that said paragraph shall read as follows: In the county of Brown, on the fourth Monday in January, the first Monday in March, and the third Monday in September; but no jury shall be summoned for the January term. Time for holding court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 46, A.] [Published March 8, 1880.]

CHAPTER 110.

AN ACT to amend subdivision four of section six hundred and seventy of the revised statutes, relating to the bounty on wild animals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Counties may pay bounties.

SECTION 1. To amend subdivision four of section six hundred and seventy of the revised statutes, so that it shall read as follows: 4. To allow bounties for the destruction of wolves, lynxes, wild cats and foxes in their respective counties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 219, S.] [Published March 9, 1880.]

CHAPTER 111.

AN ACT to amend section one of chapter eighty of private and local laws of 1855, entitled an act supplementary to an act to incorporate the Milwaukee mechanics' mutual insurance company, relating to restrictions in the bringing of suits.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Policy holder to give notice and proof of loss.

SECTION 1. Section one of chapter eighty of the private and local laws of 1855, entitled an act supplementary to an act to incorporate the Milwaukee mechanics' mutual insurance company, is hereby amended so as to read as follows: Section 1. In case of any loss or damage by fire happening to any policy holder upon property insured with and in said company, such policy holder shall give notice thereof, in writing, to the secretary of said company, within twenty days from the time such loss or damage may have occurred; and shall within three months thereafter deliver to such secretary proofs of such loss or damage, and within sixty days after receiving such proofs, the directors or proper officers of said company may either allow the whole of such claim, or in part, or may reject the whole; and if the claimant is not satisfied with the

Rejected claims

determination of the said company, the matter may be submitted to three referees, if the parties can so agree; one of which referees shall be selected by each of the parties in interest, and the third by the referees so agreed upon; and after a hearing before the referees selected as aforesaid, said referees shall make and certify their determination in the matter to the secretary of said company, and to the claimant or claimants, and such determination shall be final in the matter, if submitted as aforesaid; but in case no agreement shall be made between the parties for a reference as above mentioned, the party insured, his executors or administrators, may bring an action against said company, for such loss or damage, in any court of record in the state of Wisconsin having competent jurisdiction; such action to be brought within one year from the time of receiving notice of the decision upon this claim by the company as aforesaid, and not thereafter; and if upon the trial of such action a greater sum shall be recovered than the amount allowed by the said company, such claimant shall have judgment therefor against said company, with interest thereon, after ninety days from the time such loss or damage happened, with the costs of suit by law allowed; but if no greater amount shall be recovered than the amount allowed on such claim by the said company, the claimant or claimants in any such suit shall become nonsuit, and the company shall recover their costs: *provided, however*, that judgment may be entered against said company in any such suit for the amount allowed by the company without costs, and execution may issue for such amount at any time after ninety days from the rendition of such judgment: *provided*, that nothing herein contained shall affect the rights of holders of any policy or policies heretofore issued by the said company.

may be submitted to referees.

Referees' decision to be final

When action may be brought against company.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 323, A.] [Published March 8, 1880.]

CHAPTER 112.

AN ACT to amend an act entitled an act to incorporate the city of Oconto, approved March 11, 1869, and the acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section five of chapter one hundred and thirty-three of the laws of 1874, is hereby amended as follows: Where the words "first" and "April" occur, in the seventh line of said section, strike out and insert therein the words "last" and "February," respectively.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 6, 1880.

[No. 96, S.] [Published March 9, 1880.]

CHAPTER 113.

AN ACT to authorize the Iowa county agricultural society to donate to the Mineral Point railroad company a piece of land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Society authorized to donate land.

SECTION 1. The Iowa county agricultural society is hereby authorized and empowered to give, grant or donate to the Mineral Point railroad company a strip of land on the east side of its grounds, not exceeding one hundred and fifty feet in width, east and west, for railroad and depot purposes.

SECTION 2. This act shall be in force and take effect from and after its passage and publication.

Approved March 6, 1880.

[No. 53, S.] [Published February 10, 1880.]

CHAPTER 114.

AN ACT fixing the time when wild deer may be taken in the counties of Ashland, Bayfield and Douglas.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When deer may be taken.

SECTION 1. It shall and may be lawful to take, catch and kill wild deer in the counties of Bayfield, Ashland and Douglas, between the fifteenth day of

August and the succeeding first day of December in any year, and at no other time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Appoved March 8, 1880.

[No. 91, S.] [Published March 9, 1880.]

CHAPTER 115.

AN ACT to appropriate to the institution for the education of the deaf and dumb a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the institution for the education of the deaf and dumb, out of any money in the general fund not otherwise appropriated, the sum of thirty thousand dollars, to pay current expenses from March 1, 1880, to March 1, 1881; and the same shall be drawn from the treasury under the provisions of section one hundred and seventy-two of the revised statutes. Appropriation, $30,000.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 88, S.] [Published March 9, 1880.]

CHAPTER 116.

AN ACT to provide for the rebuilding of a portion of the institution for the education of the deaf and dumb, and to appropriate the sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of trustees of the Wisconsin institute for the education of the deaf and dumb is hereby authorized and empowered to erect, in accordance with the plans presented to the present legislature, and already approved by the joint committee on charitable and penal institutions, buildings to take the place of those recently destroyed by fire. For that purpose said trustees are hereby authorized to make and enter into such contracts and agreements as they may find necessary: *provided, however*, that such contracts and agreements shall not involve the expenditure of a greater sum of money than is appropriated by this act: *provided, also*, that said trustees shall make no Board of trustees to contract for rebuilding institute.

contract for the construction of said buildings without requiring and obtaining good, ample and sufficient security by bond or otherwise; that all the buildings contemplated by the plans adopted by the said committee of this legislature shall be constructed and completed at a cost within the sum named in this act.

Contractors to give bonds.

Proposals to be advertised for.

SECTION 2. The said trustees shall, before making any contract or agreement for the erection of such buildings, advertise for proposals for the erection thereof in at least three daily papers published within this state — one in the city of Milwaukee, one in the city of Madison, and one in the city of La Crosse — for at least four weeks prior to the time of letting such contracts. Such advertisements shall state the time and place for receiving such proposals, and the amount and kind of bonds required for the faithful performance of the contracts, within the time limited therefor. Such trustees shall contract with the lowest responsible bidder, who shall in each case be required to give good and sufficient bond or bonds for the faithful performance of such contract; but said trustees shall have the right to reject all proposals received by them if in their opinion the interests of the state require it.

Board of charities and reform to have supervision.

SECTION 3. The state board of charities and reform shall have the general supervision of such building, and of the perfection of any necessary details in such plans or specifications so adopted. And said trustees shall make no change in any of the details of such plans or specifications without the concurrence of said state board of charities and reform.

Appropriation, $70,000.

SECTION 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of seventy thousand dollars, or so much thereof as may be necessary for the purposes of this act, five thousand dollars of which amount shall be used for the purchase of new boilers and furniture: *provided*, that the money hereby appropriated shall be drawn from the state treasury no faster than said work progresses.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 127, S.] [Published March 9, 1880.]

CHAPTER 117.

AN ACT to amend section six hundred and eighty of the revised statutes, 1878, relating to claims against counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred and eighty of the revised statutes is hereby amended so as to read as follows: Section 680. Whenever any county shall be liable for the fees of officers, jurors, witnesses, or interpreters in any action or proceeding before a justice of the peace, court commissioner or county judge, such fees shall be certified and allowed and paid by the county board in the manner following, and in no other way: At least ten days before the annual meeting of the county board, every justice of the peace, county judge and court commissioner shall make and file with the county clerk a certified statement of all actions or proceedings had or tried before him, in which the state was a party, and wherein the county has become liable for the fees of officers, jurors, witnesses or interpreters, within the year next preceding the date of such statement, showing the title and nature of the action or examination, date of trial, the names of all officers and jurors, and of all witnesses or interpreters on the part of the state, who actually attended court, and gave in a statement of their attendance and travel; and also such on the part of the defendant as were allowed against the county, and the amount to which they are severally entitled. Such statement shall be substantially in the following form, viz:

Fees to be allowed and paid by county board.

Duty of justices of the peace and court commissioners.

State of Wisconsin, against —— ——.

In justice court. Before —— ——, justice of the peace.

Complaint for —— ——. Heard the —— day of ——, 18—.

To the county board of —— county:

I hereby certify that in the foregoing entitled action, the following named persons rendered services therein, and attended before me in the capacity stated, and that they are severally entitled to the amounts specified below for said services, attendance and travel, and that said services were actually and necessarily rendered, and said action prosecuted in good faith:

A. B., interpreter, —— miles travel, —— days attendance, amount, $——. C. D., juror, —— miles

Form of statement.

travel, —— days attendance, amount, $——. E. F., witness on behalf of the state, —— miles travel, —— days attendance, amount, $——. G. H., witness allowed to defendant, —— miles travel, —— days attendance, amount, $——. I. J. (constable or sheriff), actually and necessarily traveled in serving the —— herein, —— miles, and attended court —— days, and is entitled to —— dollars for other just and lawful services in the cause, and in all is entitled to $——.

Dated this —— day of ——, 18—.

When fees not collectable.

Provided, that in no criminal action, proceeding or examination, before any court or officer, when the defendant escapes pursuit, shall any fees be recovered from the county by any constable or sheriff, except when such escape is without the fault, connivance or negligence of such constable or sheriff, and the district attorney shall certify such pursuit was necessary and proper, and then only such sum, or sums, as the county board may in its discretion allow as a fair compensation for the time and necessary expenses incurred in such pursuit. Such statement shall be laid before the county board by said clerk, and shall be prima facie evidence of the claims of the persons named; and the county board shall audit such claims and direct orders to be drawn therefor. And if any person in whose favor any such order is drawn shall not call for the same within two years from the time the county board audited his account, he shall be deemed to have waived his right to any compensation for his services, and the county board shall cancel such order.

Duty of county clerk.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 129, S.] [Published March 9, 1880.]

CHAPTER 118.

AN ACT to amend chapter twenty-two of the revised statutes of 1878, entitled "of the distribution of public documents."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Libraries entitled to public documents.

SECTION 1. Section three hundred and fifty-one of the revised statutes is hereby amended by inserting after the word "volumes," in the fourth line thereof, the words: "And to every established public library containing one thousand volumes or more," so that said section will read as follows: There shall be delivered

to the several state institutions, state university and normal schools, and also to each college, incorporated academy and literary institution of this state having a library of three hundred volumes, and to every established public library containing one thousand volumes or more, upon application being made therefor, one copy each of all documents published by the state. The several state officers shall be furnished at all times with such documents belonging to the state as may be necessary or convenient for the business of their respective offices.

State officers to be furnished public documents.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 139, S.] [Published March 9, 1880.]

CHAPTER 119.

AN ACT to amend section five of chapter fifty-one of the general laws of 1866, entitled an act authorize the use of the moneys rising from the sale of certain swamp and overflowed lands in the counties of Manitowoc and Calumet, for drainag and other purposes, and to amend chapter five hundred thirty-seven of the laws of 1865, relating thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five of chapter fifty-one of the general laws of 1866, is hereby amended by adding to said section as follows: The said board of commissioners is hereby further authorized and empowered to purchase, in its capacity as such board of commissioners, from the owner or owners of the lands lying on both sides of the Manitowoc river in said county of Manitowoc at a point on said river known and called "Cato Falls," in sections twenty and twenty-nine, in township number nineteen north, of range number twenty-two east, if in their judgment it shall be most expedient, so much of said lands lying on both sides of said river, as shall be necessary for the purposes of removing, widening and deepening the bed of said river, at said falls, and for placing the obstructions so removed thereon. And the said board of commissioners is hereby authorized and empowered to draw its orders upon its treasurer for such sum or sums of money as may be necessary to accomplish such purpose, and said order or orders so drawn shall be paid by such treasurer out of any money now in his hands belonging to such drainage fund, or which may come into his hands from

Description of lands authorized to be purchased by commissioners.

Purchase money to be paid out of drainage fund.

the sale of any of the swamp or overflowed lands in the said counties of Manitowoc and Calumet, appropriated by said chapter fifty-one of the general laws of 1866, as therein set forth.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 159, S.] [Published March 9, 1880.]

CHAPTER 120.

AN ACT to aid the eastern Monroe county agricultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $100.

SECTION 1. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, to the eastern Monroe county agricultural society the sum of one hundred dollars, which said society is prevented from drawing by reason of a mistake in making their returns to the secretary of state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 232, S.] [Published March 9, 1880.]

CHAPTER 121.

AN ACT to appropriate a sum of money therein named to the horticultural society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $600.

SECTION 1. There is hereby appropriated out of the general fund, not otherwise appropriated, the sum of six hundred dollars to the Wisconsin state horticultural society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 138, S.] [Published March 9, 1880.]

CHAPTER 122.

AN ACT to appropriate to the northern Wisconsin agricultural and mechanical association a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated out of the general fund to the northern Wisconsin agricultural and mechanical association the sum of one thousand dollars. Appropriation, $1,000.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 79, A.] [Published March 12, 1880.]

CHAPTER 123.

AN ACT to amend chapter one hunderd and forty-one of the laws of 1879, in relation to the distribution of the blue book.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and forty-one of the laws of 1879, entitled an act to amend section one hundred and twenty-one of chapter two of the revised statutes of 1878, in relation to the distribution of blue books, is hereby amended so as to read as follows: the secretary of state shall cause to be printed four thousand and five hundred copies of such blue book annually, to be distributed as follows: Twenty-five copies to each member of the senate and assembly, five copies each to the chief clerks and sergeants-at-arms of the two houses, one copy to each of the clerks and employes of the two houses, whose names appear in the blue book; fifty copies each to the governor, secretary of state and superintendent of public instruction; twenty-five copies each to the lieutenant governor, state treasurer and attorney general; two copies each to the rest of the state officers in the capitol, and one to each of their assistants; one copy each to the state agricultural society, the state horticultural society, the state board of charities and reform, and to the academy of arts and science; one copy to each regent of the state university and normal schools, one copy to each of the college, academy, free high school, normal school and free public libraries of the state, and to the state

Amended.

Distribution of Blue Books.

penal and charitable institutions; one copy each to the county clerks and superintendents of schools of the several counties in this state, and to the clerk of the supreme court of the United States courts for Wisconsin; one copy each to the reporters in regular attendance on the legislature; one copy to each justice of the supreme court, to each judge of the United States courts sitting within this state, circuit judge and county judge, and twenty five copies to the state historical society. The remainder shall be kept by the secretary of state, who shall deliver to the superintendent of public property, at the commencement of each session of the legislature, one hundred and thirty-seven copies, to be by him distributed to the members of the legislature, and to the chief clerks and sergeants-at-arms of each house, at the opening of the session; the remainder to be kept for exchange. One copy of such blue book for each justice of the supreme court, state officer, and each member of the senate and assembly, and the chief clerks thereof, shall be bound in half morocco and be lettered with the name of the person entitled to receive it. Each county clerk receiving such blue book shall preserve and deliver the same to his successor in office, and it shall be for the use of all persons desiring to use the same in the office of said clerk. The expense for preparing and publishing such blue book, other than such as is covered by the contract with the state printer, shall be fixed by the secretary of state and paid out of the state treasury.

SECTION 2. The provisions of this act shall be construed to apply to the publication and distribution for the year of 1880.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 148, A.] [Published March 12, 1880.]

CHAPTER 124.

AN ACT to amend the charter of the city of Ahnapee, Kewaunee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section ninety-three of chapter one hundred and twenty of the laws of 1879, entitled "an act to incorporate to the city of Ahnapee," is hereby amended so as to read as follows: Section 93. The

common council of the said city shall meet some time during the month of March of each year, on or before the third Tuesday of the said month, and determine what compensation or salary shall be paid to each of the officers of the said city for the ensuing year, and such compensation or salary of the said officers after being so determined as aforesaid, shall not be increased or diminished during the term of office of said officers; and in case the said common council shall neglect or fail to meet, or neglect or fail to determine the compensation or salary to be paid to the said officers for the ensuing year, as hereinbefore provided, then the said officers and each of them shall receive the same compensation or salary as their immediate predecessors.

Compensation of city officers.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 382, A.] [Published March 12, 1880.]

CHAPTER 125.

AN ACT relating to embezzlement, and to amend section four thousand six hundred and sixty-seven of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand six hundred and sixty-seven of the revised statutes is hereby amended by adding thereto the following: This section shall apply to every offense of embezzlement mentioned in section four thousand four hundred and eighteen of the revised statutes.

Amended.

Approved March 6, 1880.

[No. 214, A.] [Published March 12, 1880.]

CHAPTER 126.

AN ACT to amend subdivision *c*, of section one thousand nine hundred and forty-six of chapter eighty-nine of the revised statutes of 1878, entitled of insurance corporations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision *c*, of section one thousand nine hundred and forty-six of chapter eighty-nine of the revised statutes of 1878, is hereby amended by striking out the words "to publish" after the word "state," in the second line of said section, and substituting the words, "or any agent thereof to permit or cause to be," so that said section when so amended

Amended.

Publication of fraudulent statements unlawful.

shall read as follows: Section 1496. It shall be unlawful for any company, association or corporation transacting the business of fire insurance in this state, or any agent thereof, to permit or cause to be published any statement, by newspaper advertisement, card or otherwise, which shall represent said company as transacting a different business than it in reality is, in regard to the nature and class of risks written by said company.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 356, A.] [Published March 12, 1880.]

CHAPTER 127.

AN ACT relating to justices of the peace, and amendatory of section eight hundred and eighty-six of chapter forty of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Oath of office.

SECTION 1. Section eight hundred and eighty-six, chapter forty, of the revised statutes of 1878, is hereby amended so as to read as follows: Section 886. The police justice shall take and file the oath of office as prescribed in the last section. He shall give a bond conditioned to faithfully discharge all the duties of his office, and pay over according to law, all moneys and fees not his own, collected or received by him. His term of office shall be two years, and until his successor is qualified. Any vacancy shall be filled by a special election for the unexpired term. He may be removed by the board of trustees, on a vote of the president and four trustees, for official incapacity or misconduct, after giving him reasonable hearing in his defense. He shall hold the police court, and within the limits of the village, have the jurisdiction of a justice of the peace, and exclusive jurisdiction as such justice of all criminal cases arising therein, and of all cases whatever arising under the ordinances and by-laws of such village: *provided*, that in case of the sickness, absence or incapacity of such police justice to act, any justice of the peace of the village or adjoining town in the county in which such village is situated, shall have jurisdiction of every such case, upon filing with such justice the affidavit of the complainant setting forth such sickness, absence or incapacity. He shall have general power to administer oaths and affir-

Term of office.

Vacancies; removals.

Jurisdiction.

Administration of oaths, etc.

mations, and take depositions, acknowledgments of deeds and instruments in writing. He shall be entitled to the same fees allowed to justices of the peace for similar services, and no other compensation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 135, A.] [Published March 12, 1880.]

CHAPTER 128.

AN ACT to amend subdivision two, section three hundred and thirty-nine, chapter twenty, of the revised statutes of 1878, entitled of public printing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision two of section three hundred and thirty-nine, chapter twenty, of the revised statutes of 1878, entitled or public printing, is hereby amended by substituting the words "three hundred" instead of the words "one hundred and fifty," so that said subdivision two when so amended shall read as follows: Two thousand copies of the transactions of the Wisconsin dairymen's association and such other matters pertaining to the dairy interest of the state as shall be deemed most important: *provided*, the number of pages shall not exceed three hundred.

Number of pages in annual report not to exceed three hundred.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 6, 1880.

[No. 230, A.] [Published March 12, 1880.]

CHAPTER 129.

AN ACT relating to and amendatory of section two thousand two hundred and sixteen of chapter one hundred of the revised statutes of 1878, entitled of conveyances, etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand two hundred and sixteen of chapter one hundred of the revised statutes of 1878, is hereby amended by inserting in the eleventh line in said section, after the words "county clerk," the words "register of deeds," so that said section will read as follows: Section 2216. All conveyances executed within this state, of lands or any interest in lands therein, shall be executed in the presence of two

Amended.

Conveyance of lands to be witnessed.

Before whom acknowledgment may be made.

witnesses, who shall subscribe their names to the same as such. And when such conveyances are of lands, or any interest therein, owned by a corporation organized under any law of this state, they shall be signed by the president, or other authorized officers of the corporation, sealed with the corporate seal, and countersigned by the secretary or clerk thereof; and all corporate conveyances heretofore so executed shall be valid. The persons executing any such conveyances may acknowledge the execution thereof before any judge or clerk of a court of record, court commissioner, county clerk, register of deeds, notary public, or justice of the peace. The officer taking such acknowledgment shall indorse thereon a certificate of the acknowledgment thereof, and the true date of making the same, under his hand.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 351. A.] [Published March 12, 1880.]

CHAPTER 130.

AN ACT to legalize the actions of the Manitowoc Rapids mutual farmer's fire insurance company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Acts legalized.

SECTION 1. All transactions of the said Manitowoc Rapids mutual farmers' fire insurance company, of the town of Manitowoc Rapids, Manitowoc county, and state of Wisconsin, being a town insurance company organized under the laws of the state of Wisconsin and located in the town of Manitowoc Rapids, county of Manitowoc, Wisconsin, and all acts of the officers and agents of said company, as such officers and agents, are hereby legalized and declared valid; and all policies or other evidence of insurance issued by said company or its authorized officers, and all bonds, notes, mortgages or other evidence of indebtedness executed and delivered to said company, shall be as valid and binding as if all the requirements and forms of the laws of the state had been fully complied with; and no misnomer of said company shall affect the validity of any of the transactions of said company, or of documents issued by or executed by such company.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 341, A.] [Published March 12, 1880.]

CHAPTER 131.

AN ACT relating to an act to authorize R. O. Shelsweek to build a pier extending into the waters of lake Michigan, and amendatory of section one of chapter twenty-nine of the laws of 1879.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter twenty-nine of the laws of 1879, is hereby amended by striking out "lot number two," where they occur in the fourth line of section one of said chapter, and insert in lieu thereof "lot number four," and add to said section, after the word "purposes," "to be known as Fagorweek pier." Amended.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 6, 1880.

[No. 112, A.] [Published March 12, 1880.]

CHAPTER 132.

AN ACT to discontinue a portion of the state road running through the counties of Racine, Walworth and Rock, state of Wisconsin, lying in the town of Fulton, Rock county, aforesaid.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That so much of the state or territorial road, running through the counties of Racine, Walworth and Rock, in the state of Wisconsin, described as follows, to wit: Commencing at the northwest corner of section thirty-five, of the town of Fulton, Rock county aforesaid, thence running west fifteen chains, thence running south seventy-four and one-half degrees, west sixteen chains and twenty links, thence south forty-six degrees, west twenty-five chains and eighty links, is hereby discontinued. Description of road discontinued.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 93, A.] [Published March 12, 1880.]

CHAPTER 133.

AN ACT amending the charter of the Evansville seminary, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. The first section of chapter two hundred and seventy-two of the private and local laws of the year 1870, amending the charter of the Evansville seminary, is hereby amended so as to read as follows: There shall be an annual meeting of the trustees of said seminary, held in the seminary building in the village of Evansville, Rock county, Wisconsin, on the last Wednesday of November in each year, at seven o'clock P. M., to elect that class of trustees whose term of office shall then expire. Such election shall be by ballot, and the persons equal to the number of trustees whose term of office then expires, receiving the highest number of votes, being not less than seven, shall be declared elected. Each and every trustee of said corporation shall be entitled to vote at such election.

Annual meetings of trustees.

Election by ballot.

SECTION 2. The second section of chapter two hundred and seventy-two of the private and local laws of 1870, is hereby amended so as to read as follows: The trustees, nine of whom at least shall be members of the Free Methodist church, are authorized and empowered to conduct a school of high moral and Christian character, agreeable to, and in conformity with, the principles and doctrines of the Free Methodist church of North America, as expressed in its book of discipline.

Qualification of trustees.

SECTION 3. The whole of section three of chapter two hundred and seventy-two of the private and local laws of 1870, is hereby repealed.

Repealed.

Amended.

SECTION 4. Section eleven of the charter of said Evansville seminary is hereby amended by inserting after the words "shall deem expedient," in the eighth and ninth lines of said section, the words "not exceeding the sum of one thousand dollars."

SECTION 5. All acts and parts of acts incontsistent with this act are hereby repealed.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 91, A.] [Published March 12, 1880.]

CHAPTER 134.

AN ACT to amend section one thousand nine hundred and thirty-one of chapter eighty-nine of the revised statutes, entitled "of insurance corporations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand nine hundred and thirty-one of chapter eighty-nine of the revised statutes is hereby amended by striking out the word "two," where it occurs in the ninth line of said section, and inserting in lieu thereof the word "one," so that said section when so amended shall read as follows: Section 1931. No such corporation shall insure any property out of the town or towns in which said corporation is located: *provided*, that any such corporation, at its annual meeting, may by a majority vote of the members present, authorize its directors to insure any farm property or detached dwelling houses and contents in any adjoining town or towns, or in any incorporated city or village, which is located in any adjoining towns in which such town insurance corporation is located: *provided*, such farm property or dwelling and contents shall be detached at least one hundred feet from exposure. No such corporation shall insure any property other than detached dwellings and their contents, farm buildings and their contents, live stock on the premises or running at large, farm products in the stack or bin, and farming implements; but such corporation at its annual meeting, may by a majority of all the votes by law entitled to be cast by its members, authorize its directors to insure country stores and their contents, school houses, churches, town and society halls; but such risks shall not exceed fifteen hundred dollars in any one case.

Amended.

Jurisdiction of corporation.

Description of property insurable.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 39, A.] [Published March 12, 1880.]

CHAPTER 135.

AN ACT for the preservation of fish in Long lake, Round lake and Mud lake, situate in the counties of Fond du Lac and Sheboygan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Waters wherein fish may not be taken.

SECTION 1. No person or persons shall take, catch or kill, with any net, seine, wire basket, spear, grapple, trap, hook and line, or any device whatever, fish of any kind in either of the lakes known as Long lake, Round lake, and Mud lake, situate in the counties of Fond du Lac and Sheboygan, state of Wisconsin, or in any stream or waters connecting said lakes or either of them, or in any stream or waters emptying into said lakes or either of them, between the first day of March and the tenth day of May in any year. Any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine of not less than five dollars nor more than fifty, with costs of suit, or in lieu of such fine and costs, the court may, in its discretion, upon such conviction, imprison the party so convicted, in the county jail of the proper county, not exceeding thirty days.

When fishing is unlawful.

Penalty for violation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1880.

[No. 328, A.] [Published March 12, 1880.]

CHAPTER 136.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the county of Brown.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Loan authorized.

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding fifty thousand dollars, to the county of Brown, in this state, and the county of Brown is hereby authorized to borrow a sum, not exceeding the amount above named, of said commissioners, for the purpose of redeeming certain railroad bonds that will become due during the year 1880, said county to issue to said commissioners certificates of the indebtedness so contracted. Such indebtedness shall

Purpose of same.

bear interest, not exceeding seven per cent. per annum, and said interest shall be paid annually, together with not less than one-twentieth of the principal, after the first year, until the whole is paid: *provided*, that the amount of said bonds, including existing indebtedness, shall not exceed in the aggregate five per centum of the value of taxable property of said county, to be ascertained by the last assessment for state and county taxes previous to the issue of said bonds. Payment of principal and interest.

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax, which would properly be chargeable to said county of Brown, the annual interest due the state on said loan, and not less than one-twentieth of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said county, and paid over to the state in the same way as other state taxes are collected and paid. Duty of secretary of state.

SECTION 3. At the time and in the manner provided for levying taxes for state and county, the board of supervisors of said county of Brown shall levy the amount of money required for the payment of the annual interest, and not less than one-twentieth of the principal sum loaned by the commissioners of public lands to the county of Brown, as provided for in the preceding section of this act. Duty of county board.

SECTION 4. This act shall take effect and be in force on and after its passage.

Approved March 8, 1880.

[No. 161, A.] [Published March 12, 1880.]

CHAPTER 137.

AN ACT to preserve the fish in Elkhart lake, Sheboygan county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons to take, catch, kill, or in any way or manner destroy any kind of fish in Elkhart lake, Sheboygan county, in any other way or manner except with hook and line, excepting the months of November and December in each year. When and where fishing is unlawful.

SECTION 2. Any person or persons violating the provisions of this act, or any of them, shall be guilty of a misdemeanor, and upon conviction thereof be Penalty for violation of law.

subject to a fine of not less than fifty dollars together with the costs of prosecution for each and every such violation, and shall be committed to the county jail until such fine and costs are paid, or the offender discharged by law.

Justices of the peace given jurisdiction.

SECTION 3. Justices of the peace shall have jurisdiction to hear, try and determine all cases and actions arising under the provisions of this act; and upon the collection of any fine imposed by virtue of this act, one-third of the amount of such fine shall be paid to the complainant in the case and the remainder shall be paid into the county treasury to be disposed of according to law.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1880.

[No. 225, S.] [Published March 12, 1880.]

CHAPTER 138.

AN ACT in relation to fences, and to amend section one thousand three hundred and ninety-one of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one thousand three hundred and ninety-one, chapter fifty-five of the revised statutes, is hereby amended by striking out the words, "inclosed with fences," where they occur after the word "lands," in the first line of said section, and inserting in lieu thereof the words, "used for farming purposes;" also striking out "inclosure," in third line, and inserting "premises," in lieu thereof; also by striking out the words, "to inclose," in the fourth line, and inserting in lieu thereof "so occupy," so said section shall read as follows: The respective occupants of adjoining lands, used and occupied for farming purposes, shall keep and maintain partition fences between their own and next adjoining premises in equal shares, so long as both parties continue to so occupy the same and such fences shall be kept in good repair throughout the year, unless the occupants of the lands on both sides otherwise mutually agree.

Partition fence.

When same to be built and maintained.

SECTION 2. Section one thousand three hundred and ninety-two of the revised statutes is hereby amended by striking out the word "inclosed," in the last line of said section, and inserting the words "so

occupy" in lieu thereof, so that said section shall read as follows: Every partition of the fence or of the line upon which partition fences are to be built between adjoining owners, made by the owners thereof in writing, signed, sealed and witnessed by two witnesses, or by the fence viewers, in writing under their hands, in the cases and in the manner hereinafter provided, after being recorded in the town clerk's office, shall oblige such owners, their heirs and assigns, so long as such adjoining land on each side respectively, shall remain in the same ownership, and after a severance of ownership until a new partition of such fence shall be made, to build and maintain such fence agreeably to said partition. But neither such owner, nor his heirs or assigns, shall be bound to build or maintain any part of such partition fence during any time when he shall not so occupy his lands so adjoining.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 332, A.] [Published March 12, 1880.]

CHAPTER 139.

AN ACT to amend section fourteen of chapter one hundred and four of the private and local laws of 1870, entitled an act to authorize the city of Oconto to extend and maintain a pier into the waters of Green Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen of chapter one hundred and four of the private and local laws of 1870, entitled an act to authorize the city of Oconto to extend and maintain a pier into the waters of Green Bay, is hereby amended by adding at the end of said section the following: The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, lease the said pier and road on such terms and for such time as said common council in its discretion shall deem expedient, in lieu of collecting toll upon the same, or sell and convey the same on such terms and for such consideration as shall be most beneficial to said city. The said lease or deed shall be signed and executed according to the provisions of the charter of said city of Oconto.

Amended.

Pier may be leased.

SECTION 2. This act shall take effect and be in force form and after its passage and publication.

Received by the governor, March 3. 1880.
Received by the secretary of state, March 6, 1880.

Note by secretary of state.

NOTE BY THE SECRETARY OF STATE.—The foregoing act, having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

[No 154, A.] [Published March 12, 1880.]

CHAPTER 140.

AN ACT to legalize the acts of the supervisors of Monroe county in paying bounties for the destruction of foxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The acts of the supervisors of Monroe county in paying bounties for the destruction of foxes is hereby declared to be legal.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Received by the governor, March 3, 1880.
Received by the secretary of state March 6, 1880.

Note by secretary of state.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

[No. 115, S.] [Published March 12, 1880.]

CHAPTER 141.

AN ACT to appropriate a certain sum of money therein named to Wisconsin industrial school for girls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows

Appropriation, $15,000.

Purposes for which money to be applied.

SECTION 1. There is hereby appropriated to the Wisconsin industrial school for girls, out of any money in the treasury not otherwise appropriated, fifteen thousand dollars, for the following purposes, to-wit: For the erection of additional buildings, including dry-house for laundry, ten thousand dollars; for barn and vegetable room, twelve hundred dollars; for horses, vehicles and necessary outfit, eight hundred dollars; for furniture, fifteen hundred dollars, and for grading grounds and building sidewalks, fifteen hundred dollars: but no money herein appropriated shall be drawn from the treasury except upon the written approval by the governor, filed in the office of the secretary of state, of such

additional buildings and improvements of such grounds, to be shown by plans and statements therefor to be furnished to and filed with the governor by the officers of said Wisconsin industrial school for girls; and if accepted by the governor, the cost of such plans and statements to be paid out of the moneys hereby appropriated.

SECTION 2. The charge to counties, by the Wisconsin industrial school for girls, for care and support of children sentenced to that institution by any court of this state, shall not exceed the sum of two dollars and fifty cents per week for each such child. Cost of maintenance per week

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 133, S.] [Published March 12, 1880.]

CHAPTER 142.

AN ACT to authorize W. F. Bailey, Geo. W. Mason, R. J. Kepler and A. L. Dodge, and their associates and assigns, to build and maintain a bridge over and across the Chippewa river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. W. F. Bailey, George W. Mason, R. J. Kepler and A. L. Dodge, their associates and assigns, are hereby authorized to build, construct and maintain a railroad or wagon bridge, or a railroad and wagon bridge combined, over and across the Chippewa river, in the county of Eau Claire and state of Wisconsin, at such point within the city of Eau Claire, in said county, or south of the southern limits of said city, as they may select; and for such purpose may erect piers, and drive piles, and build embankments and approaches in said river and on the banks thereof, necessary for the proper and convenient construction and maintenance of such bridge: *provided*, that a suitable draw be built and maintained in said bridge for the passage of boats, and that said bridge be so constructed as not to interfere with the free navigation of said river. Location of bridge. Piers, piles, embankments, etc. Draw to be provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 201, S.] [Published March 12, 1880.]

CHAPTER 143.

AN ACT to amend section one thousand four hundred and eighty of the revised statutes of 1878, relating to the prevention of the spread of noxious seeds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section one thousand four hundred and eighty of the revised statutes of 1878, is hereby amended by inserting after the word "dragon," and before the word "Canada," the following: "(*antirrhinum orontium*), cocklebur (*xanthium strumarium*)," so that said section, when amended, shall read as follows: Section 1480. Every person and every corporation shall destroy upon all lands which he or it shall occupy all weeds of the kinds known as snapdragon (*antirrhinum orontium*), cocklebur (*xanthium strumarium*), Canada thistle and burdock, at such time and in such manner as shall effectually prevent their bearing seed. Every overseer of highways shall also, in like time and manner, destroy all such weeds that may grow, either on the highway of his road district or on any unoccupied lands therein, or on any occupied lands therein which the occupant thereof shall neglect to so destroy. For so doing, such overseer shall have such compensation, payable out of the town treasury, as the town board, upon the presentation of his account therefor, verified by his oath, and specifying by separate items the charges against each piece of land, describing the same, shall deem reasonable; and the respective amounts so paid, except for the destruction of such weeds upon highways, shall be placed on the next tax roll, in a separate column headed "for destruction of weeds," as a tax against the lands upon which such weeds were destroyed, and be collected as other taxes, and the entry of such tax on the tax roll shall be conclusive evidence of the land so taxed to such tax.

Noxious weeds

Duty and compensation of overseer of highways.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 80, S.] [Published March 12, 1880.]

CHAPTER 144.

AN ACT to authorize A. D. Lunt and Peter Musser, their associates and assigns, to build a dam across and otherwise improve Elk river, in Price county, for log driving purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A. D. Lunt and Peter Musser, their associates and assigns, are hereby authorized to erect and maintain a flooding dam, not more than fifteen feet high, on the northwest quarter of the northwest quarter of section thirty-one, town thirty-eight, range two east, in Price county, Wisconsin, across Elk river, and otherwise improve said river for driving logs, by closing sloughs, building booms, and clearing and straightening the channel of said river, and to keep said dam and other improvements in repair, and operate and use the same for the purpose of facilitating the drivingand floating of all logs that may be put in said river, down and out of said Elk river into Elk lake, on sections seven and eight in town thirty-seven, range one east. Location of dam.

SECTION 2. Whenever the said A. D. Lunt and Peter Musser, their associates or assigns, shall have built, erected and maintained said dam with suitable gates and slides for the purpose of sluicing and driving logs over said dam, and driving and floating logs in, down and out of said river, and so improve said stream as aforesaid, and operate said dam and improvements so that logs can be driven down and out of said river with reasonable certainty, the said A. D. Lunt and Peter Musser, their associates or assigns, in consideration of the building, maintaining and operating said dam and other improvements, and the facilities thereby obtained for floating and driving logs on said river, shall be and are hereby authorized to charge, and entitled to collect and receive of any and all persons owning or controlling logs in said river, as toll, the following sums: For all logs put in said Elk river, on section three in township thirty-seven north, of range one east, three cents per thousand feet, board measure; for all logs put into said river between the east line of said section three and below said dam, the sum of five cents per thousand feet; and for all logs put into said Elk river above said dam, the sum of ten cents per thousand feet. The amount of said logs shall be determined by the lumber inspector of the district within which said dam is situated, or by mutual agreement of the parties. Toll.

May drive logs not their own.

SECTION 3. It shall be lawful for said A. D. Lunt and Peter Musser, their associates or assigns, wherever they shall make a drive in said river, to take possession of all logs put into said river or in rollways, the owners of which shall not have made adequate provision for driving the same, or for breaking said rollways, and to break said rollways and to drive said logs down and into said Elk lake, and to collect for said services on all logs so taken possession of and driven out of said stream, for all logs driven from below said dam, ten cents per thousand feet, and for all logs driven from above said dam, fifteen cents per thousand feet. The amount of said logs so driven shall be determined in the same manner as is provided in section two of this act.

Compensation.

Toll and services to be lien on logs.

SECTION 4. The said A. D. Lunt and Peter Musser, their associates and assigns, for such toll and other services, shall have a lien on said logs until the charges thereon are fully paid, which lien may be enforced the same as liens for labor on logs are enforced in Price county, Wisconsin.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 154, S.] [Published March 12, 1880.]

CHAPTER 145.

AN ACT to appropriate to the bell telephone company of Madison, Wisconsin, a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $80.

SECTION 1. There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of eighty dollars, to the bell telephone company of Madison, Wisconsin, for one year's rental for the year 1880, of two bell telephones and microphones in the rooms of the chief clerks of the senate and assembly.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 246, S.] [Published March 12, 1880.]

CHAPTER 146.

AN ACT to authorize Joseph S. Wilson, his associates and assigns, to construct and maintain a boom and piers in the Chippewa river in the city of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Joseph S. Wilson, his associates and assigns, are hereby authorized to construct and maintain piers and booms in the Chippewa river, in the city of Eau Claire, Eau Claire county, Wisconsin, on the west side of said river from the railway bridge of the Chicago, St. Paul and Minneapolis railway company, down said river to a point where North street, in said city, intersects said Chippewa river, in Chapman and Thorpe's second addition to Eau Claire: *provided*, the same shall be so constructed and maintained in said river in front of land owned by the said Joseph S. Wilson, his associates or assigns: *and provided further*, that said piers and booms shall be so constructed as not to obstruct the navigation of said river. Location of piers and booms.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 137, S.] [Published March 12, 1880.]

CHAPTER 147.

AN ACT to amend section two thousand nine hundred and twenty-two of the revised statutes, concerning costs and fees allowed to parties in circuit court.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two thousand nine hundred and twenty-two of the revised statutes is hereby amended so as to read as follows: Section 2922. When the judgment is for the recovery of money, interest from the time of verdict or report until judgment is finally entered shall be computed by the clerk and added to the costs of the party entitled thereto. And in all actions of trespass, trover or replevin in circuit court, founded upon the unlawful cutting of timber, or such cutting and its conversion, or such cutting and its unlawful detention, when the value of such timber or the damages claimed in the complaint and the amount re- Amended. Interest to be added to costs. When full costs and expenses to be recovered by plaintiff.

covered exceeds fifty dollars, full costs shall be recovered by the plaintiff, and there shall be included therein the actual reasonable expense of one survey and ascertainment of the quantity of timber so cut, or cut and converted, or cut and detained, made after the commencement of the action, by one surveyor and one assistant, if duly proved as a necessary disbursement in such action. And the defendant shall recover like costs in the same manner in such actions, in case the plaintiff is not entitled to recover costs.

Right of defendant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 135, S.] [Published March 12, 1880.]

CHAPTER 148.

AN ACT to appropriate to the state agricultural society the sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation $2,000.

SECTION 1. There is hereby appropriated to the state agricultural society the sum of two thousand dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 147, S.] [Published March 12, 1880.]

CHAPTER 149.

AN ACT to appropriate the sum of five hundred dollars to the Central Wisconsin agricultural and mechanical association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $500.

SECTION 1. There is hereby appropriated out of the general fund, to the Central Wisconsin agricultural and mechanical association, the sum of five hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 242, A.] [Published March 12, 1880.

CHAPTER 150.

AN ACT to amend an act entitled an act to incorporate the chamber of commerce of the city of Milwaukee, approved February 29, 1868.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of the above entitled act is hereby amended to read as follows, viz: The said corporation is hereby authorized to establish such rules and regulations for the management of its business and the mode in which it shall be transacted as it may deem proper; and said corporation is also empowered to convert the surplus money and property now belonging to it, or which may hereafter belong to it, into a gratuity fund, to be invested by a committee to be appointed by the board of directors, and to appropriate the net income thereof for the benefit of its members or the widows or heirs of such persons as may die while members. Said fund shall be administered in such manner as said corporation may by rule direct. And said corporation is further authorized to assess its members to provide a sufficient fund to pay such sum, not to exceed one thousand dollars, to the widow or heirs of each deceased member, as may be directed by its rules.

Amended.

Gratuity fund.

Administration of fund.

Assessment of members.

SECTION 2. Section thirteen of said act, so far as it conflicts with the foregoing provisions of this act, is hereby repealed.

Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 114, S.] [Published March 13, 1880.]

CHAPTER 151.

AN ACT to authorize Thomas B. Scott, his associates and assigns, to build a dam or dams on Prairie river, Lincoln county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Thomas B. Scott, his associates and assigns are hereby granted the exclusive right and hereby authorized to keep and maintain a dam for flooding purposes on section thirteen, township thirty-

Exclusive right.

Location of dam.

two, range seven east; also to erect a dam or dams on the upper dells, section fourteen, in township thirty-three, range eight east, in Lincoln county, Wisconsin, and otherwise improve said river for driving logs by closing sloughs, building booms, and clearing and straightening the channel of said river, and to keep said dams and other improvements in repair, and operate and use the same for the purpose of facilitating the driving and floating of logs and timber that may be put into said river, down and out of said Prairie river.

When toll may be charged

SECTION 2. Whenever the said Thomas B. Scott, his associates and assigns shall have built, erected and maintained said dam or dams, with suitable gates and slides for the purpose of sluicing and driving logs and timber over said dam or dams, and driving and floating logs and timber in, down and out of said river, and so improve said stream as aforesaid, and operate said dam or dams and improvements so that logs and timber can be driven down and out with reasonable certainty, the said Thomas B. Scott, his associates and assigns, in consideration of the building, maintaining and operating said dam or dams and other improvements, and the facilities thereby attained for floating and driving logs and timber, shall be and are hereby authorized to charge, and entitled to collect and receive of any and all persons owning or controlling the same, ten cents per thousand feet, board measure, on logs and timber from and below said dam on section thirteen, township thirty-two, range seven east; and from and below said dam or dams on the upper dells, in section fourteen, township thirty-three, range eight east, twenty cents per thousand feet, board measure on all logs and timber. The amount of said logs and timber shall be determined by the lumber inspector of the district wherein such dam or dams are situated, or by mutual agreement of the parties.

Tolls.

May drive logs not their own.

SECTION 3. It shall be lawful for said Thomas B. Scott, his associates and assigns, whenever they shall make a drive in said river, to take possession of all logs and timber put into said river or in rollways when they shall obstruct the drive, and the owners shall not have made adequate provision for driving the same or for breaking said rollways, and to break said rollways, and to drive said logs and timber down and out of said river, and to collect for said services on all logs and timber so taken possession of, the cost of breaking rollways, and the proportionate share of the expenses for

Compensation therefor.

the whole drive. The amount of said logs and timber so driven shall be determined in the same manner as provided in section two of this act.

SECTION 4. The said Thomas B. Scott, his associates and assigns, for such toll and other services, shall have a lien on said logs and timber till the charges thereon are fully paid, which lien may be enforced the same as liens for labor on logs are enforced in Lincoln county, Wisconsin.

Toll and services a lien on logs.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1880.

[No. 55, S.] [Published March 12, 1880.]

CHAPTER 152.

AN ACT to amend the articles of association of the Chicago Milwaukee and St. Paul railway company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That clause of article six of the original articles of association of said company, which reads as follows, to-wit: "And except as herein expressly provided the corporation shall have no power or authority to mortgage or otherwise encumber its property, real or personal, unless the assent in writing of a majority in interest of the owners and holders of all the capital stock issued by said corporation shall be first had and obtained authorizing the same, and no assent shall be taken from agents or by proxy, unless the power of attorney held by the agent or proxy shall expressly authorize such assent," is hereby amended by adding thereto as follows: "But this clause shall not be construed to prohibit the company from purchasing or building any railway or railways other than the roads above mentioned, and executing a mortgage or mortgages on the railways so purchased or built to secure the purchase money or cost of construction thereof; and the company is hereby expressly authorized to make and execute such mortgage or mortgages, and any and all mortgages heretofore executed by the company on railways so purchased or built, to secure the purchase money or cost of construction thereof, are hereby ratified, validated and confirmed," so that said clause as amended will read as follows, to-wit: "And, except as herein expressly provided, the corporation shall have no power or authority to mortgage or other,

Amended.

Company may build or purchase roads and mortgage same for purchase money.

wise encumber its property, real or personal, unless the assent in writing of a majority in interest of the owners and holders of all the capital stock issued by said corporation shall be first had and obtained, authorizing the same, and no assent shall be taken from agents or by proxy, unless the power of attorney held by the agent or proxy shall expressly authorize such assent; but this clause shall not be construed to prohibit the company from purchasing or building any railway or railways other than the roads above mentioned, and executing a mortgage or mortgages on the railways so purchased or built, to secure the purchase money or cost of construction thereof, and the company is hereby expressly authorized to make and execute such mortgage or mortgages, and any and all mortgages heretofore executed by the company on railways so purchased or built, to secure the purchase money or cost of construction thereof, are hereby ratified, validated and confirmed."

SECTION 2. This act shall take effect and be in force form and after its passage and publication.

Approved March 9, 1880.

[No. 227, A.] [Published March 12, 1880.]

CHAPTER 153.

AN ACT to legalize the acts of the Greenwood cemetery association of Spring Valley, Rock county, and to fix the time and place of holding the annual election of trustees of said association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. Every annual election of trustees heretofore held by the Greenwood cemetery association of Spring Valley, Rock county, Wisconsin, on the first Wednesday of April in any year, and all official acts of trustees chosen at such annual elections, are hereby declared to be as legal and valid as if such elections had been held on the days determined on by the first meeting of said association.

Election of trustees.

SECTION 2. The annual election of trustees of said society may hereafter be held in the village of Brodhead and county of Green, on the first Wednesday of April in each year, at such place as the trustees shall direct: *provided*, public notice thereof shall be given, as directed by section one thousand four hundred and forty-four of the revised statutes of 1878.

SECTION 3. The trustees of said association are hereby authorized and empowered to lay out, establish and use for burial purposes, any grounds now owned by said association and adjoining their cemetery grounds. Authorized to lay out grounds

Approved March 10, 1880.

[No. 224, A.] [Published March 13, 1880.]

CHAPTER 154.

AN ACT to authorize the city of Racine to transfer certain moneys from any available funds of said city to the poor fund.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of the city of Racine is hereby authorized to borrow a sum, not exceeding one thousand dollars, from any available fund or funds of said city, and transfer the same to the poor fund of said city, to be drawn upon for the support of paupers. Council may borrow money.

SECTION 2. The sum which may be borrowed under this act shall be paid back to the fund or funds from which it may have been borrowed from the receipts of the poor fund for license, on or before July 1, 1880. Refunding of borrowed money.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 269, A.] [Published March 15, 1880.]

CHAPTER 155.

AN ACT to amend subdivision eight of section four hundred and sixty-one of the revised statutes, relating to inspection districts and the examination of teachers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision eight of section four hundred and sixty-one of the revised statutes is hereby amended so as to read as follows: 8. To divide his district into inspection districts bounded by town lines and containing not more than four towns each, where the number of schools in his district, including graded schools, shall exceed one hundred and fifty; but to form not more than four inspection districts, if the number of schools is less than one hundred and fifty; How boundaries of inspection districts fixed.

Meetings for examination of teachers.

not more than three if the number is less than one hundred; to hold in each inspection district at least two meetings in each year for the examination of teachers, and to furnish each district clerk in the same a written notice of each meeting, to be posted by him in some conspicuous place in his district. Such notice shall contain the names of the towns embraced in the inspection district to which it relates, and the time, place and objects of the meeting. The examination of the teachers thus held shall be public, and shall be conducted by oral and written questions and answers, which shall be uniform in his district. Whenever, for any cause satisfactory to the county superintendent, any person desiring a certificate as a teacher shall be unable to attend upon such examination, he may be examined at any time fixed by him, and if found qualified by law to teach, may receive a certificate of the proper grade, which shall remain in force until the next regular examination in such inspection district.

Notice of same to be given.

Examination to be public.

Special examinations.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 204, A.] [Published March 18, 1880.]

CHAPTER 156.

AN ACT to authorize the villages of Depere and West Depere to purchase, hold and lease certain real estate for the use of said villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Description of real estate to be purchased.

SECTION 1. The villages of Depere and West Depere, in the county of Brown, or either of the said corporations, are hereby authorized and empowered to purchase absolutely certain real estate situate in said county of Brown, and particularly described as follows: That part of lot number four, in private land claim number twenty-six, on the west side of Fox river, lying between the highway running from West Depere to Fort Howard and Fox river, containing twenty acres, more or less, according to the plat of the subdivision of said claim recorded in the register's office of said county; and the said real estate to hold for the uses of said villages, with full power and authority to raise and expend such sums of money in improving the same, as the said villages shall deem advisable, with full power and authority to sell and dispose of the

same, or to lease the same, as shall seem to the best interests of said villages.

SECTION 2. All stipulations and agreements heretofore made by the said villages in purchasing said real estate, and all stipulations and agreements heretofore made by and between the said villages concerning the leasing of said real estate to the Fox river driving park association, or to any other party or parties, are hereby declared valid and binding.

Proceedings declared valid and binding.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1880.

[No. 192, A.] [Published March 13, 1880.]

CHAPTER 157.

AN ACT to amend chapter four hundred and nine of the general laws of 1864, entitled an act to authorize the village of Depere and the town of Lawrence to purchase or lease a cerbridge across Fox river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter four hundred and nine of the general laws of 1864, is hereby amended so as to read as follows: Section 1. The village of Depere and the village of West Depere, in the county of Brown, or either of said corporations, are hereby authorized and empowered to purchase absolutely, or lease from the owners thereof, a certain bridge across Fox river at Depere, and all the appurtenances thereto belonging, and the charter of the same, granted by this state by an act of the legislature of said state, approved February 4, 1851, upon such terms as the parties in interest may agree to.

Amended.

Purchase or leasing authorized.

SECTION 2. Section two of said chapter four hundred and nine of the general laws of 1864, is hereby amended so as to read as follows: Section 2. All stipulations and agreements heretofore made between the said villages of Depere and West Depere, concerning the leasing of said bridge and appurtenances, are hereby declared valid and binding.

Proceedings declared valid and binding.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1880.

[No. 228, A.] [Published March 15, 1880.]

CHAPTER 158.

AN ACT to amend section one thousand three hundred and ninety of chapter fifty-five of the revised statutes of 1878, by adding the words "wire" and "barbed wire," after the word "boards," in the second line of said section.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Description of legal fence.

SECTION 1. All fences four and one-half feet high and in good repair, consisting of rails, timbers, boards, wire, barbed wire, or stone walls, or any combination thereof, and all brooks, rivers, ponds, creeks, ditches and hedges, or other things which shall be considered equivalent thereto in the judgment of owners within whose jurisdiction the same may be, shall be deemed legal and sufficient fences. Fences on marsh or swamp lands may be made by a ditch combined, not exceeding twelve feet in width, equal amounts of material being taken from, or space occupied on each side of the division line.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 377, A.] [Published March 16, 1880.]

CHAPTER 159.

AN ACT to amend chapter six of chapter four hundred and seventy-four of the private and local laws of 1866, entitled an act to reduce the act incorporating the city of Janesville and the several acts amendatory thereof, into one act, and to amend the same, approved April 12, 1866.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Chapter six of chapter four hundred and seventy-four of the private and local laws of 1866, is hereby amended by adding to said chapter the following sections, and numbered consecutively as follows:

Nomination of street commissioner.

SECTION 41. At any regular meeting of the common council held during the month of May of any year, the mayor shall nominate a street commissioner, and if any such nomination shall be confirmed by a majority of the aldermen, the person so nominated and confirmed shall be the street commissioner for the ensuing year.

SECTION 42. The person so appointed shall take the oath of office prescribed for the aldermen, and shall within five days from the date of his appointment give a bond to the city in the penal sum of one thousand dollars with good and sufficient sureties, to be approved by the mayor, conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be collected or come in his hands by virtue of his office. Oath of office and bond.

SECTION 43. It shall be the duty of such street commissioner, within ten days after his appointment, confirmation and qualification, to inspect all the streets and highways of the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts and bridges; and all things and matter appertaining to the streets and highways, and report in writing to the common council recommending in his opinion what is necessary and ought to be done thereto, in separate items in the order of the first, second and third importance and necessity, and so on to the end of his recommendations under item number one for the first necessity, item number two for the second necessity, and so on; and he shall make and keep a duplicate of his report. On receipt of said report, the common council shall consider the same, add to, amend, strike out or change the order of any item, as it may deem best, and as soon as acted upon in full, the city clerk shall certify to said street commissioner the action of the council thereon. Upon receiving the same, said commissioner shall proceed and cause to be executed under his immediate supervision, all such necessary work or repairs as shall be directed by the common council, in such manner and by such means as it may from time to time direct, as now provided for in the charter of said city of Janesville and the several acts amendatory thereof; but in no event shall said superintendent incur any indebtedness otherwise than that provided by the common council; he shall also perform such other duties as the common council shall direct, by ordinance or otherwise, relative to streets. Duty of street commissioner.

SECTION 44. It shall be the duty of said street commissioner, when directed by the common council, to notify all persons liable to pay a poll tax, as contained in a list to be furnished him by the city clerk, on or before the first Monday of May, in each year. and to credit the same to the person who Poll tax.

may work out the same upon the streets or highways, or to collect the money where they elect, to commute the same, as is now provided by law. In case any person who may be liable to pay a poll tax as provided for in section thirty-three of chapter six, of chapter four hundred and seventy-four, of which this act is amendatory, shall refuse to work or pay the same, it shall be the duty of said street commissioner to proceed and collect the same in the manner now provided for in section nine hundred and eleven, of chapter forty of revised statutes of 1878, and the same powers are conferred upon said street commissioner in collecting the same as is conferred upon town and village treasurers by said section and act, said money when so collected, to be paid into the treasury of said city of Janesville, and to be expended only by direction and order of the common council, upon the streets and highways of said city.

In case of refusal to pay poll tax.

SECTION 45. The said commissioner shall have control and charge of all teams, wagons, tools and implements owned by said city and used upon the streets of said city. He shall also employ such help, teams, tools and implements as he may require for the performance of all work necessary to be done by him, and shall carry out the details of the general plan laid out for him by the common council, and by the highway, street and bridge committee. He shall keep a record time book of the time of all persons and teams employed by him, where employed and what materials used, and where used, and the price to be paid for help, teams and materials; and no bill for service or materials furnished and used upon the streets shall be allowed by the common council unless first certified to as correct by said commissioner, and in no event shall said street commissioner be interested in or own any teams employed by him in performing any work provided to be done by the provisions of this act.

Commissioner to have control of teams, etc.

To keep record of time.

SECTION 46. The maximum price to be paid for employes and teams shall be fixed by the council, but the said commissioner shall have the selection and control of the employes and teams so used. It shall also be the duty of said commissioner to make to the common council an annual report of his doings, or oftener if required by them, giving in detail where and what work has been done or performed, the amounts paid to employes for work and use of teams, materials, tools and implements, together with such other information as the common council may direct or demand.

To report to council.

SECTION 47. It shall be the duty of the common council to fix the salary or compensation of said street commissioner at least one week before he is nominated and confirmed by said council, but in no case after he has assumed the duties of his office shall his compensation be increased or diminished during the time for which he was appointed to serve.

Salary of commissioner.

SECTION 2. Section twenty of chapter six of said chapter four hundred and seventy-four is hereby amended by striking out the word "twelve," after the words "as hereinbefore provided," and insert in lieu thereof the word "five," so that said section, when amended, shall read as follows: Section 20. In all cases where taxes or assessments are not paid on or before the day of the filing of the treasurer's report for judgment of the court as hereinbefore provided, five per cent. shall be collected as additional costs, and be added to and collected with the other taxes or assessments as the case may be, and the expenses authorized to be collected on the property assessed, and for this purpose the treasurer shall add to his said report, in a separate column, the amount of such additional costs; and on all taxes and assessments paid between the time of the expiration of the twenty days notice, as provided in section four of this chapter, and the time of sale of the real estate on which such taxes and assessments are a lien, interest at the rate of twelve per cent. per annum, to be computed from the date of the warrant for the collection thereof to the date of such payment, shall be added to the same and collected therewith; and said treasurer shall also collect with such taxes and assessments, all fees, costs and expenses incident to the proceedings consequent upon nonpayment of taxes and assessment as provided in the act, and such fees, costs and expenses are hereby declared to be legal charges upon the real estate on which any tax is levied or assessment made under the provisions of the act. The fees for publishing notice of sale of lands for taxes or assessments under this act shall be the same as provided in section one hundred and thirty-three of chapter fifteen of the revised statutes for publishing notice of sale for taxes, and for publishing all other notices, proceedings and advertisements required to be published under this chapter, the same fees as allowed for publishing legal notices, etc., by section thirty-seven of chapter one hundred and thirty-one of the revised statutes; and the clerk of the circuit court shall have and receive the same fees on proceedings in said court

Amended.

When five per cent. to be added to taxes.

When twelve per cent. interest to be charged.

Fees for publishing notice.

Fees of clerk of the court.

under the provisions of this chapter, as for similar services in other cases in said court; said fees, costs and expenses shall be apportioned equally upon the several parcels of lands concerning which said notice or notices were published and said proceedings taken.

SECTION 3. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 174, A.] [Published March 17, 1880.]

CHAPTER 160.

AN ACT to provide for the election of the president, secretary and treasurer of the Plymouth farmers' fire insurance association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Elections by ballot.

SECTION 1. The president, secretary and treasurer of the Plymouth farmers' fire insurance association of the county of Sheboygan, shall be chosen by ballot at the annual meeting of the corporation by the members thereof, but no director shall be eligible to the office of president, secretary or treasurer.

President and secretary of board of directors.

SECTION 2. The president and secretary elected as herein provided shall be respectively president and secretary of the board of directors of the aforesaid corporation, but shall have no power to vote on any question before said board of directors, except in case of a tie vote the president may cast the deciding vote.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 41, A.] [Published March 13, 1880.]

CHAPTER 161.

AN ACT to exempt members of the Watertown fire department from certain duties therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Exemption from service on juries and from military duty.

SECTION 1. Each and every person being a member of the fire department in the city of Watertown, organized in pursuance of any law of this state, and having served as such for the term of ten years, shall be entitled to a discharge certificate, to be signed by

the president and treasurer of the fire department, and countersigned by the clerk of said city, and he shall be thereafter, so long as he shall reside in said city, exempt from poll tax and from serving on juries, and from military duty, except in case of war, insurrection or invasion.

SECTION 2. All acts or parts of acts inconsistent with the provisions of this act, so far as they relate to the city of Watertown, are hereby repealed. Repealed.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 10, 1880.

[No. 50, A.] [Published March 19, 1880.]

CHAPTER 162.

AN ACT authorizing and allowing horses, mules, cattle and sheep to run at large upon uninclosed lands in the county of Vernon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever, in the county of Vernon, a highway shall be located or situated between two or more pieces of improved land, owned or occupied by two or more persons, the respective occupants or owners of the same, shall maintain fences around and inclosing said land, of the same character, height and description as now required by law in case of partition fence, and such fences shall be maintained as long as such pieces of land continue to be cultivated. Fences to be maintained.

SECTION 2. Occupants or owners of land, failing to maintain and keep up such fences as required in section one of this act, shall not be entitled to recover damages caused by horses, cattle, sheep or mules straying upon any such lands. Penalty for non-compliance.

SECTION 3. This act shall apply to the county of Vernon only.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 83, A.] [Published March 15, 1880.]

CHAPTER 163.

AN ACT to appropriate to Robert May a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to Robert May, fifteen dollars, out of any money in the state Appropriation, $15.

treasury not otherwise appropriated, for storage, work and labor, packing and shipping artillery stores: *provided*, that no money shall become due or payable under the provisions of this act, until the said Robert May shall have filed with the secretary of state a receipt in full of all demands upon the state because of the said service and disbursements, and an agreement that he does not make and will not make at any time hereafter any claim on the state upon such account.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1880.

[No. 110, A.] [Published March 15, 1880.]

CHAPTER 164.

AN ACT to appropriate to Kewaunee county a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $523.

SECTION 1. There is hereby appropriated to the county of Kewaunee, out of any money in the state treasury not otherwise appropriated, the sum of five hundred and twenty-three dollars and forty-five cents; said amount having been paid by said county for the support of Phillip Reitz, one insane person, who was not and is not a resident of said county, and is properly chargeable to the state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 165, A.] [Published March 15, 1880.]

CHAPTER 165.

AN ACT relating to the assessment of personal property for taxation, and to amend section one thousand and forty of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Assessment to be made where owner resides.

SECTION 1. Section one thousand and forty of the revised statutes is hereby amended by adding thereto the following proviso: *Provided*, that whenever the owner or occupant shall reside upon any contiguous tracts or parcels of land, which shall lie in two or more assessment districts, then the farm implements, live stock and farm products of such owner or occupant, used, kept, or being upon such contiguous tracts or

parcels of land, shall be assessed in the assessment district where such owner or occupant resides at the time of such assessment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 190, A.] [Published March 13, 1880.]

CHAPTER 166.

AN ACT authorizing the city of Racine to purchase additional cemetery grounds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purchase of land for cemetery.

SECTION 1. The city of Racine is hereby authorized to purchase additional lands for cemetery purposes, at such price as the council and the owners of such lands may agree upon. When the terms of such purchase shall have been agreed upon between the common council and such owners, the mayor and city clerk are hereby authorized to execute on behalf of the city, all necessary contracts, obligations and papers for the purchase of said lands in accordance with the terms so agreed upon. Said common council shall so provide that such per centage of the sums arising from sales of lots in said cemetery grounds as it may deem sufficient for the purpose, shall be kept and reserved by the city treasurer, in a separate fund, not to be drawn upon except for the purpose of paying the installments of purchase money of said lands, as they fall due, until said purchase money be fully paid. In case the sums so reserved prove insufficient to pay said purchase money, the general cemetery funds of the city may be used for that purpose, but no other funds of the city shall be drawn upon.

Proceeds of sales of lots to apply towards payment of purchase money.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 292, A.] [Published March 13, 1880.]

CHAPTER 167.

AN ACT to amend chapter one hundred and seventy-nine of the laws of 1879, entitled an act relating to the charter of the city of Portage, and amendatory of chapter one hundred and twenty-two, laws of 1876.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Chapter one hundred and seventy-nine of the laws of 1879, entitled an act relating to the charter of the city of Portage, and amendatory of chapter one hundred and twenty-two, laws of 1876, is hereby amended by striking from said chapter one hundred and seventy-nine, section two of the same.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 306, A.] [Published March 17, 1880.]

CHAPTER 168.

AN ACT to authorize P. B. Champagne to build and maintain a dam across the Wisconsin river, in Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. Peter B. Champagne, his associates and assigns, are hereby authorized to construct and maintain a dam across the Wisconsin river, at or near the northeast quarter of section thirty, town thirty-three, range six east: *provided*, that said dam shall be so constructed as to allow the free and safe passage of logs, without hinderance or delay.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1880.

[No. 140, A.] [Published March 17, 1880.]

CHAPTER 169.

AN ACT to legalize the actions of the Deutsche Gegenseitige Farmer Feuer Verischerungs Gesellschaft von Town Mishicott, Manitowoc county, Wisconsin, being a town insurance company, organized under the laws of the state of Wisconsin, and located in the town of Mishicott, Manitowoc county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1. SECTION 1. All transactions of the Deutsche Gegenseitige Farmer Feuer Verischerungs Gesellschaft

von Town Mishicott, Manitowoc county, Wisconsin, being a town insurance company, organized under the laws of the state of Wisconsin, and located in the town of Mishicott, Manitowoc county, Wisconsin, and all acts of the officers and agents of said company, as such officers and agents, and all policies or other evidences of insurance issued by said company, or its authorized officers, and all bonds, notes, mortgages, or other evidence of indebtedness executed and delivered to said company, shall be as valid and binding in all respects as if the said company had filed its articles of association in the town clerk's office before transacting any business, and had taken from applicants for insurance the undertaking required by law, and had filed each undertaking in the town clerk's office, and had in due time transmitted to the commissioner of insurance certified copies of annual statements showing the condition of said company, and had filed such statement in the office of the town clerk; and no misnomer of said company shall affect the validity of any of the transactions of said company, or of documents issued by or executed to such company.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 10, 1880.

[No. 86, S.] [Published March 15, 1880.]

CHAPTER 170.

AN ACT to amend section four thousand five hundred and sixty-five of chapter one hundred and eighty-five of the revised statutes, relating to certain game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment.

SECTION 1. Amend section four thousand five hundred and sixty-five of the revised statutes, by inserting after the word "device," and before the word "or" in the eleventh line, the following: "or from any fixed or artificial blind or ambush located in open water outside or beyond the natural cover of reeds, canes, flag or wild rice, of any lake, river, bay or inlet."

Carrying or exporting game out from the state prohibited.

SECTION 2. Also amend said section by striking out the following words, after the word "animals" in the twentieth line, namely: "or any person, corporation or company, or any employe thereof, who shall in any way or manner carry or export out of this state, or attempt so to do, or aid in so doing, or cause the

same to be done, any bird, fowl or animal mentioned, in this section, and killed, caught or taken in this state, except wild pigeons, beavers, mink, muskrats or other fur-bearing animals"

SECTION 3. Also amend the twenty-seventh and twenty-eight lines by striking out the words "one-half of."

Penalty for violation of law.

SECTION 4. Also amend the twenty-ninth and thirtieth lines of said section by striking out the words "the remaining half shall be paid to the informer." So that said section four thousand five hundred and sixty-five shall read, when amended, as follows: Any person who shall take, catch, kill, destroy or wound any woodcock, prairie hen or prairie chicken, partridge or ruffled grouse, sharp tailed grouse or grouse of any variety, snipe, quail, mallard, wood or teal duck, or deer, by the use of any net, snare, trap, gun, or spring gun, or who shall hunt, drive, chase, worry or kill any wild deer, by or with a dog or dogs, or who shall kill, destroy or wound any wild duck, brant or goose, by the use of any pivot or swivel gun, or any fire-arm other than a gun habitually used at arm's length and fired or discharged from the shoulder, or when raised and held by the hand, or by any float, sneak boat, sail or steam boat, or floating box or similar device, or from any fixed or artificial blind or ambush located in open water outside or beyond the natural cover of reeds, canes, flag or wild rice, of any lake, river, bay or inlet, or attempt so to do, or who shall take, destroy or have in his possession the eggs, or wantonly disturb or molest the nesting place of any prairie hen or prairie chicken, or grouse of any kind or variety, woodcock, quail, partridge, snipe, wild duck, brant or goose, or who shall kill, destroy or wound any wild pigeon or other game at its nesting or brooding place, or who shall pursue, entrap, ensnare or kill any otter, beaver, mink, muskrat or other fur bearing animals upon the lands, or to the middle of any stream of water adjoining the lands of another engaged in the business on such lands of breeding or rearing such animals, shall be punished by fine not exceeding one hundred dollars, nor less than five dollars, for each offense; such fine, when collected, shall be paid to the county treasurer, and by him paid into the school fund.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 196, S.] [Published March 19, 1880.]

CHAPTER 171.

AN ACT to improve Hay creek, a branch of the Eau Claire river, in the county of Clark, and for driving logs out of said creek.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Purpose and location of dam.

SECTION 1. For the purpose of improving Hay creek, a branch of the Eau Claire river, in the county of Clark, and state of Wisconsin, so as to facilitate and improve the driving of logs and timber in and down said creek, from the south line of township twenty-six, in range four west, to and into the said Eau Claire river, in the county of Clark, as aforesaid, William A. Rust, his associates or assigns are hereby authorized and empowered to improve said Hay creek by building dams, clearing and straightening the channel, closing sloughs, and otherwise, so as to improve said creek for driving and floating logs and timber, and keep the same in repair and operate the same for the driving and floating of all logs and timber that may be put into said creek for the purpose of being floated down and driven out of said creek.

When tolls may be charged.

SECTION 2. Whenever the said Rust, his associates and assigns, shall have so improved the said creek from the south line of township twenty-six of range four west, in said county of Clark, so as to make the floating and driving of logs and timber down said creek reasonably certain and practicable, and shall maintain and operate the same so that logs and timber can be so driven with reasonable certainty on such freshets and with such rises of water as are necessary to float and drive logs in connection with such aforesaid improvements, the said Rust, his associates and assigns, in consideration of such improvements and the facilities obtained thereby, shall be authorized to charge and entitled to collect and receive of any and all persons owning or controlling logs in said creek or branch of said river, five cents per thousand feet, board measure, as toll, on all logs and timber designed and intended to be driven down said creek from and below the south line of section fifteen; and ten cents per thousand feet, board measure, as toll, on all logs and timber designed and intended to be driven down said creek from and below the north line of section twenty-five; and fifteen cents per thousand feet, board measure, as toll, on all logs and timber designed and intended to be driven down said creek from and above the north line of sec-

Tolls.

tion twenty-five, in the aforesaid township, the amount of said logs and timber to be determined by and under the direction of the lumber inspector of the district in which said creek is situate, or by the mutual agreement of the parties.

May drive logs not their own.

SECTION 3. Whenever the said Rust, his associates or assigns, shall have so improved said Hay creek as aforesaid, as provided in section two of this act, he or they shall be authorized to take possession of all logs and timber put into said creek to be floated down the same (the owners of which have not made adequate provision for driving the same, or which may be in the way of the main drive in said creek), and to drive the same down said Hay creek and into said Eau Claire river, and shall have authority to charge and be entitled to collect and receive of the owners of such logs and timber, twenty-five cents per thousand feet for all such logs and timber put into said creek below the north line of section twenty-five, and fifty cents per thousand feet, board measure, for all such logs and timber put in above the north line of said section twenty-five, in township twenty-six, in range four west, the amount of such logs and timber to be determined in the same manner as provided in section two of this act.

Compensation therefor.

Charges to be lien upon logs.

SECTION 4. For any charges for toll or otherwise that said Rust, his associates or assigns, may have on account of said improvements, or for the driving of any logs or timber under this act, the same shall be a lien upon such logs or timber as may be put in said creek or that may be driven down said creek by said Rust, his associates or assigns, and unless paid on or before five days after the same are driven out of said creek, the said charges shall become a lien on such logs and timber, and may be enforced by said Rust, his associates or assigns, in the manner as other liens for services and labor on logs are enforced, and for this purpose may hold and detain such logs and timber at any place on the Eau Claire or Chippewa river, until such toll and charges are paid.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 228, S.] [Published March 17, 1880.]

CHAPTER 172.

AN ACT to amend chapter four hundred and seven of the private and local laws of 1868, entitled an act to enable the city of Kenosha to readjust and fund its indebtedness.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section two of chapter four hundred and seven of the private and local laws of the year 1868, is hereby amended so as to read as follows: Section 2. The bonds authorized to be issued by this act shall not be issued until it shall have been satisfactorily ascertained by the common council that the indebtedness of said city can be adjusted and fully settled by such issue to the amount of two hundred thousand dollars. **When bonds may be issued.**

SECTION 2. Section three of chapter four hundred and seven of the private and local laws of 1868, is hereby amended by striking out the words "one hundred and twenty," where they occur in the fifth line of said section, and by inserting instead thereof the words "two hundred." **Amended.**

SECTION 3. Section four of chapter four hundred and seven of the private and local laws of the year 1868, is hereby amended by striking out the words "the said sum of one hundred and twenty thousand dollars," where they occur in the tenth and eleventh lines of said section. **Amended.**

SECTION 4. Section five of said act is hereby amended by striking out the following words: "submit the same to the qualified voters of the localities subject to be assessed to pay the taxes therein provided for, and if a majority of such electors voting on the question at an election called for that purpose by the council, shall decide affirmatively," where the same occur in said section from the third to the seventh lines thereof. **Amended.**

SECTION 5. Section eight of said chapter four hundred and seven is hereby repealed. **Repealed.**

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 240, S.] [Published March 18, 1880.]

CHAPTER 173.

AN ACT to amend chapter eighty-nine of the laws of 1877, entitled an act to incorporate the city of Chilton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section two of chapter two of said chapter eighty-nine of the private and local laws of 1877, entitled "an act to incorporate the city of Chilton," is hereby amended by inserting after the word "clerk" in the sixth line, and the word "clerk" in the ninth line of said section, the word "surveyor."

Amended.

Section 2. Section three of said chapter two is hereby amended by striking out after the word "mayor" in the second line of said section, the words "treasurer, clerk," and after the word "alderman" in said line of said section, the words, "or marshal," and by inserting after the word "justice" in the said second line of said section, the word "or."

Inspectors of election.

SECTION 3. Section six of said chapter two is hereby amended so as read as follows: Section 6. The mayor and the junior alderman from each ward, and the city clerk, shall be inspectors of all elections for city officers held in said city; the city clerk and one of the aldermen, who is designated by the board of inspectors, shall act as clerks of such elections. In absence of any of the inspectors named, those inspectors present may appoint an elector or so many electors as may be required to fill such vacancy or vacancies. The clerk of said city at all elections hereafter held in said city for city officers, shall provide three ballot boxes, one to be marked "first ward," one marked "second ward," and one marked "third ward," and at such elections the inspectors shall deposit each elector's ballot in the box marked for the ward in which such elector shall reside. Each ballot may have written or printed thereon the names of all persons voted for at large in said city, and also for any ward officer for the ward in which the elector resides. *Provided, however*, that at all elections hereafter held in said city, at which no ward officer is to be elected, one ballot box may be used for all the ballots cast in said city at such an election.

Ballot boxes.

When one ballot box for city may be used.

SECTION 4. Section fourteen of said chapter two is hereby amended by striking out, after the word "Tuesday," in the second line of said section, the words "after the first Monday."

SECTION 5. Section three of chapter three of said chapter eighty-nine, is hereby amended so as to read as follows: Section 3. The city clerk shall perform all the duties required by law to be performed by him. He shall be keeper of the books, records and papers, and the corporate seal of the city, and the records of the proceedings of the council, and shall possess the same powers that town clerks possess by law, to issue transcripts from the record of his office, and they shall when certified by him, be received in all courts in like manner and effect. He shall draw and countersign all orders on the city treasurer and keep a record of the same. He shall file in his office all chattel mortgages left with him to be filed, and the renewals thereof, and keep the same, receiving the same fees allowed by law to town clerks therefor, and the said mortgages and renewals shall be as valid and lawful as when filed in the office of town clerks, and the said clerk shall possess authority to administer oaths, to take acknowledgments of deeds, and all other instruments in writing, and to use the seal of the city as his official seal for such purposes, and receive such compensation in fee therefor as is allowed by law to notaries public, and such further fee or salary as the common council shall provide by ordinance or resolution. Duty of city clerk.

SECTION 6. Section seven of chapter three of said chapter eighty-nine, is hereby amended by striking out all the words after the word "resolution," in the eighth line of said section, and substituting therefor the following: "Of the common council of the city at a meeting of said council held previous to the election of said officers, in the month of March in each and every year, and shall not be increased or diminished during the term for which such officer or officers shall have been elected." Of salaries.

SECTION 7. Section fourteen of said chapter three is hereby amended by striking out the words "at the beginning of his official year," at the end of said section, and by substituting therefor the words "at the time when the salary or fee of other officers is fixed." Amended.

SECTION 8. Section sixteen of said chapter three is hereby amended by adding thereto, "and it shall be the further duty of said street commissioner to report to the city clerk on each and every day when he is at work or has men employed to do work on the streets or alleys, bridges, crossings or sidewalks of said city, at the expense of said city, the number and names of such employes, the kind of work performed by them, on what Duty of street commissioner.

streets or alleys they performed such services, together with what materials he procured, how many teams he employed for each day (if any) and all other information the common council may from time to time require of him.

Amended.

SECTION 9. Section seventeen of said chapter three is hereby amended by striking out the words after the word "him," in the twenty-second line of said section, "as he and the common council can agree upon at the beginning of his official year," and by substituting therefor the words, "as the common council may determine at the time when the fee or salary of other city officers is fixed."

Office and duties of surveyor

SECTION 10. Said chapter three of said chapter eighty-nine is hereby amended by adding thereto the following section: Section 18. The city surveyor shall keep his office at some convenient place within the city, and the common council shall prescribe his duties and fix his fees and compensation for any service performed by him. All surveys, plans, profiles and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of all parties interested, and when required by the common council, he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

Of ordinances, regulations and by-laws.

SECTION 11. Section four of chapter four of said chapter eighty-nine is hereby amended so as to read as follows: Section 4. All laws, ordinances, regulations and by-laws, passed by an affirmative vote of a majority of the common council, shall be signed by the mayor and countersigned by the clerk of the city, and shall be published in a paper or papers, selected by the common council, and shall be recorded by the city clerk in books provided for that purpose, and shall take effect and be in force from and after its passage and publication.

Amended.

SECTION 12. Section three of chapter seven of said chapter eighty-nine is hereby amended by striking out the words "when so desired by the owners thereof," in the sixteenth line of said section, and by inserting after the word "buildings," in the fourteenth line of said section, the words "or any other improvements."

Repealed.

SECTION 13. Section six of chapter eight of said chapter eighty-nine is hereby repealed.

SECTION 14. Section one of chapter ten of said chapter eighty-nine is hereby amended so as to read as follows: Section 1. When three freeholders of said city shall petition the common council for an ordinance, resolution, order or by-law, for the repairing, construction or reconstruction of any sidewalk, sewer, gutter, or for the improving of any street or streets by grading, graveling, etc., at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, sewer, gutter or street, shall, on its being introduced at a meeting of the common council, be laid upon the table for at least seven days, and the owners of the property adjoining the proposed sidewalk, sewer, gutter or street, shall be notified within twenty-four hours, and any such ordinance, order, resolution or by-law shall not be passed or adopted sooner than seven days after the introduction thereof, nor shall such ordinance, order, resolution or by-law take effect until said owners of adjoining lots shall be notified of the passage of said ordinance, by-law or resolution, nor shall any such ordinance, order, resolution or by-law be passed by the common council, when it appears, by remonstrance or otherwise, that a majority of the owners of the property fronting or abutting such sidewalk, sewer, street or gutter, shall be against the passage of such ordinance, order, resolution or by-law, except such ordinance, order, resolution or by-law be passed by an affirmative vote of two-thirds of the members of the common council. **Repairing of streets, sidewalks, etc.**

SECTION 15. Section twenty of chapter eleven (the second) of said chapter eighty-nine is hereby amended so as to read as follows: Every male inhabitant in the city of Chilton over twenty-one years of age and under fifty, except active members of the fire department and those otherwise exempt by the general laws of this state, shall annually perform one day's labor on the streets or public highways of said city, or shall in lieu thereof pay into the city treasury annually the sum of one dollar and fifty cents each, as poll tax. It shall be the duty of the city clerk, during the month of April of each year, to make out a list of all persons liable to said tax in the city of Chilton, and said clerk shall, on the last Monday of April of each year, deliver a copy of said list to the street commissioner of said city, and the said street commissioner shall forthwith or as soon as practicable, notify the persons named on such list on what day they or either of them may perform such labor. On or before the fifteenth day of June of each **Poll tax.** **Duty of street commissioner.**

and every year, the said street commissioner shall make a report to the city clerk and name therein all the persons having performed such labor, and within ten days thereafter the city clerk shall furnish a list of all persons delinquent in the payment of their poll tax as aforesaid, and the said city marshal shall forthwith demand of each person named in said list the payment of one dollar and fifty cents, and shall if not paid within five days after such demand by him made, prosecute such delinquent person in the name of the city of Chilton, and in case judgment shall be rendered against the defendant or defendants, and he or they shall refuse or neglect to pay such judgment immediately after the rendition of the same, he or they shall be imprisoned in the county jail of Calumet county, or in the lock up of the city of Chilton, ten days. The money collected as herein provided for shall be paid by the said city marshal into the city treasury within ten days after such collection, and there be kept as a distinct fund, and shall be expended for the benefit and improvement of the streets of said city of Chilton. The mayor, city clerk and chief engineer shall constitute a board to determine the liability of persons to pay such tax, and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said list shall be delivered to the street commissioner aforesaid.

Penalty for non-payment of poll tax.

Board for determining liability to pay poll tax.

Renumbered.

SECTION 16. The second chapter ten and the second chapter eleven of said chapter eighty-nine are hereby renumbered, and shall hereafter be known and designated as chapter twelve and chapter thirteen.

Repealed.

SECTION 17. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 18. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 226, S.] [Published March 17, 1880.]

CHAPTER 174.

AN ACT relating to fees and costs, and to amend the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Fees for assisting clerk of circuit court.

SECTION 1. Section three thousand seven hundred and seventy-four of chapter one hundred and fifty-one of the revised statutes is hereby amended by adding to

said section as follows: For assisting clerk of circuit court in drawing jury, one dollar; for certificate of conviction, twenty-five cents; for returning papers after preliminary examination, one dollar.

SECTION 2. Section seven hundred and thirty-one is hereby amended by adding thereto as follows: For assisting clerk of circuit court in drawing jury, one dollar. Same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 221, S.] [Published March 25, 1880.]

CHAPTER 175.

AN ACT to amend section seven hundred and thirty-one of the revised statutes, relating to sheriffs' fees.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That section seven hundred and thirty-one of the revised statutes be amended by adding at the end of paragraph twenty of said section the following: *Provided*, that whenever several writs of attachment against the same defendant are delivered to the sheriff for service and execution, such sheriff shall be entitled to receive ten cents a folio for drawing an inventory on all writs subsequent to the first writ of attachment so executed by him, of any property included in the first inventory so drawn by him, and no more; and five cents per folio for all copies thereof—so that said paragraph twenty will read when so amended: Drawing an inventory or other paper, except return upon a summons, subpœna or venire, twenty-five cents per folio: *provided*, that whenever several writs of attachment against the same defendant are delivered to the sheriff for service and execution, such sheriff shall be entitled to ten cents per folio for drawing an inventory on all writs subsequent to the first writ of attachment so executed by him, of any property included in the first inventory so drawn by him, and no more; and five cents per folio for all copies thereof. Amended. Fees per folio.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 189, S.] [Published March 29, 1880.]

CHAPTER 176.

AN ACT to grant to the north Wisconsin railway company the optional right to grade forty miles of its railway during the year 1880, in lieu of completing twenty miles thereof during said year; and to define its rights and duties in a contingency therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Option granted.

SECTION 1. The north Wisconsin railway company may, at its option, grade and make ready for the laying of the track thereon, forty miles of its railway during the year ending on the fourth day of March, A. D. 1881, in lieu of completing during said year twenty miles of said railway as now required by law: *provided*, that if said option so hereby granted be exercised, the said railway company shall lay the track upon said forty miles of grade during the year ending on the fourth day of March, A. D. 1882, in which event the forty miles so completed shall be deemed equivalent to the completion by said company of twenty miles each year for the years ending on the fourth day of March, A. D. 1881, and on the fourth day of March, A. D. 1882.

In case of acquirement of additional lines

SECTION 2. If the north Wisconsin railway company shall become the owners of a railway constructed in the manner required by the act of congress granting lands to Wisconsin for railway purposes, approved May 5, 1864, by another railway company, from Hudson, in the county of St. Croix, to River Falls, in the county of Pierce, the railway so acquired between said last named points shall be taken and deemed to be as fully a part of said north Wisconsin railway company's land grant road as if it had originally constructed the same; and when the said, the north Wisconsin railway company, shall have added to said railway, between said Hudson and River Falls, at either or both ends thereof, a sufficient number of miles to make, with the road so acquired between said points, twenty consecutive miles, it shall be the duty of the governor to certify to the United States the completion of the said twenty mile section, and the said railway company shall be entitled to lands therefor as fully in all respects as if it had itself built the whole thereof. And the ownership of said railway between Hudson and River Falls shall be deemed a full compliance by said company with the provisions of section two of chapter one hundred and twenty-six of the laws of 1874, so far

Full compliance.

as the said section requires the north Wisconsin railway company to construct a railway from Hudson to River Falls.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 180, S.] [Published March 17, 1880.]

CHAPTER 177.

AN ACT to authorize Delos R. Moon, his associates or assigns, to improve Otter creek, a tributary of Wolf river, in the counties of Clark and Chippewa.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of improving Otter creek, a tributary of Wolf river, in the counties of Clark and Chippewa in the state of Wisconsin, so as to facilitate and improve the driving and floating of logs in and down so much of said Otter creek as is situated below or south of the south line of section seven, of town twenty-nine north, of range four west, in Clark county, Delos R. Moon, his associates or assigns, are hereby authorized and empowered to improve said portion of said Otter creek, by building dams, closing sloughs and straightening channels, clearing the same and otherwise so as to improve said portion of said creek for driving and floating logs and timber, and keep the same in repair, and operate at all times the same for the driving and floating of all logs and timber that may be put in said Otter creek for the purpose of being floated or driven down and out of said creek. Location of dams.

SECTION 2. Whenever the said Delos R. Moon, his associates or assigns, shall have so improved that portion of said Otter creek, which is below or south of the south line of section seven, of town twenty-nine north, of range four west, of Clark county, so as to render the floating and driving of logs and timber down said portion of said creek, from the said south line of said section seven to the mouth of said creek, reasonably certain and practicable, and shall maintain and operate the same so that logs and timber can be so driven down said portion of said creek with reasonable certainty on such freshets, and with such rises of water as are necessary to float and drive logs in connection with such aforesaid improvements, then the said Delos R. Moon, his associates or assigns, in consideration of such When toll may be charged.

improvements, and the facilities obtained thereby, shall be and hereby are authorized to charge, and shall be entitled to collect and receive of any and all persons owning or controlling logs in said creek, twenty cents per thousand feet, board measure, for all logs put into said Otter creek above the south line of section thirteen, of town twenty-nine, of range five west, in Clark county, and ten cents per thousand feet, board measure, for all logs and timber put into said creek, below said south line of said section thirteen, as toll on all logs and timber designed and intended to be floated down same.

Tolls.

May drive logs not their own.

SECTION 3. Whenever the said Moon, his associates or assigns, shall have so improved said portion of said Otter creek as aforesaid, as provided in section two of this act, he or they shall be and hereby are authorized to take possession of all logs and timber put into said creek to be floated or driven down the same (the owners of which shall not have made adequate provision for driving the same, or which may be in the way of the main drive on said river), and to drive the same down said Otter creek to or out of the mouth thereof, and shall be and hereby are authorized to charge and entitled to collect and receive of the owners of such logs or timber, twenty-five cents per thousand feet, board measure, for all of such logs or timber so driven in said creek, and to or out of the mouth thereof.

Compensation therefor.

Toll to be lien upon logs.

SECTION 4. For all such charges for toll or otherwise, on account of such improvements, or for the driving of any logs or timber under this act, the said Moon, his associates or assigns, may have and the same shall be, a lien upon all such logs and timber as may be put in said creek to be floated or driven down said portion thereof, or that may be driven down said creek by said Moon, his associates or assigns, and upon all other logs of the same mark. And such lien may be enforced in every respect in the same manner as any other lien for labor or services on logs is or can be enforced under the provisions of any law of this state.

SECTION 5. This act shall be in force and take effect from and after its passage and publication.

Approved March 11, 1880.

[No. 197, S.] [Published March 17, 1880.]

CHAPTER 178.

AN ACT to authorize Delos R. Moon, his associates or assigns, to improve Muskrat river, a tributary of the Eau Claire river, in the county of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. For the purpose of improving Muskrat river, a tributary of the Eau Claire river, in the county of Eau Claire, in the state of Wisconsin, so as to facilitate and improve the driving and floating of logs and timber in and down so much of said Muskrat river as is situated south of the north line of township twenty-seven (27) north, of range five (5) west, in Eau Claire county, Delos R. Moon, his associates or assigns, are hereby authorized and empowered to improve said portion of said Muskrat river by building dams, clearing, straightening channels, closing sloughs and otherwise, so as to improve said portion of said river for driving and floating logs and timber, and keep the same in repair, and operate at all times the same for the driving and floating of all logs and timber that may be put in said Muskrat river for the purpose of being driven and floated down and out of said river. **Location of dam.**

SECTION 2. Whenever the said Delos R. Moon, his associates or assigns, shall have so improved that portion of said Muskrat river below the said north line of said township twenty-seven, so as to render the floating and driving of logs and timber down said portions of said river, from the said north line of said township twenty-seven to the mouth of said Muskrat river, reasonably certain and practicable, and shall maintain and operate the same so that logs and timber can be so floated and driven down said portions of said river with reasonable certainty, on such freshets and with such rises of water as are necessary to float and drive logs in connection with such aforesaid improvements; that the said Delos R. Moon, his associates or assigns, in consideration of such improvements, and the facilities obtained thereby, shall be and hereby are authorized to charge, and shall be entitled to collect and receive of any and all persons owning or controlling logs or timber in said portions of said Muskrat river, twenty cents per thousand feet, board measure, for all logs or timber put into said Muskrat river above the south line of section eighteen in said township twenty-seven north, of range five west; and ten cents per thousand **When tolls may be charged.** **Tolls.**

feet, board measure, for all logs and timber put into said Muskrat river below said south line of said section eighteen, as toll on all logs and timber designed and intended to be floated or driven down the same.

May drive logs not their own.

SECTION 3. Whenever the said Delos R. Moon, his associates or assigns, shall have so improved said portions of the said Muskrat river as aforesaid, as provided in section two of this act, he or they shall be and hereby are authorized to take possession of all logs and timber put into said river to be floated or driven down the same (the owners of which shall not have made adequate provisions for driving the same, or which may be in the way of the main drive on said river), and to drive the same down said Muskrat river to or out of the mouth thereof, and shall be and hereby are authorized to charge and entitled to collect and receive of the owners of such logs or timber, seventy-five cents per thousand feet, board measure, for all of such logs or timber so driven from above the south line of said section eighteen of said town twenty-seven, range five west, to or out of the mouth of said Muskrat river, and thirty-five cents per thousand feet, board measure, for all other such logs or timber driven to or out of the mouth of said river: *provided*, that for all of such logs or timber so driven a less distance than five miles, no more than ten cents per thousand feet, board measure, shall be so charged, collected and received.

Compensation therefor.

Toll to be lien upon logs.

SECTION 4. For all such charges for toll or otherwise on account of such improvements, or for the driving of any logs or timber under this act, the said Delos R. Moon, his associates or assigns, may have, and the same shall be, a lien upon all such logs and timber as may be put in said Muskrat river, to be floated or driven down said portion of said river, or that may be driven down said river by said Delos R. Moon, his associates or assigns, and upon all other logs and timber of the same mark and lot; and such liens may be enforced in every respect in the same manner as any other lien for labor or service on logs is or can be enforced under the provisions of any law of this state.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 151, S.] [Published March 16, 1880.]

CHAPTER 179.

AN ACT to confer certain police powers upon agents of the Wisconsin humane society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Agents of the Wisconsin humane society, a corporation created under the laws of this state, who may be appointed for the purpose of aiding in the enforcing of laws for the prevention or punishment of cruelty, and whose appointment shall be approved by the governor of this state, shall possess, until such approval shall be revoked, the powers of police officers and of constables in the several cities and counties in which such agents shall reside, for the sole purpose of preventing or punishing cruelty within their respective counties: *provided*, that such agents shall not be entitled to any compensation from the state, or from any county, city, town or village.

Appointment to be approved by the governor.

Agents not entitled to compensation.

SECTION 2. A certificate of such approval, signed by the governor, under the seal of the state, shall be sufficient evidence of the authority of any such agent, until the revocation of such appointment or approval.

Evidence of authority.

SECTION 3. All magistrates, constables, and other police officers shall aid and co-operate in the prevention and punishment of acts of cruelty which are or may be punishable under the laws of this state or under any ordinance or regulation made by authority of law.

Who to assist agent.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 186, A.] [Published March 16, 1880.]

CHAPTER 180.

AN ACT to amend an act entitled an act to revise, consolidate and amend the charter of the city of Racine, approved August 8th, 1848, and the several acts amendatory thereof, approved March 11th, 1876, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1.

SECTION 1. Title six of chapter three hundred and thirteen of the laws of Wisconsin for the year 1876, is hereby amended so that the same shall read as follows:

TITLE VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Of streets, alleys, etc.

SECTION 1. The common council may cause any street, alley or public ground in said city to be graded, paved, macadamized or graveled, and may cause the construction of sewers, and order the expense of such improvements to be ascertained, and the costs of such work or improvement to be levied and charged against the lots or real estate fronting or abutting on such street, alley or public ground, to the amount which such improvement shall be adjudged by the common council to benefit such lots. The common council may also direct, cause and require the construction of gutters and sidewalks, and the grading thereof, and the repairing of the same, and cause the expense thereof to be charged and levied against and collected as a special tax from the particular lots or parcels of land in front of which such gutter or sidewalk shall have been graded, constructed or repaired; and may cause, direct and require the dredging of the harbor, and the building, erection and repairing of docks along the river and its tributaries and cause the same to be charged and levied against and collected from the particular lots or real estate in front of which such work shall be done, in the manner hereinafter provided. The expense of all such improvements or works across streets at their intersections with streets and alleys, and across public grounds, and to the middle of streets and alleys adjacent to public grounds, shall be paid out of the fund of the ward in which such improvements are made or such works are done; and the expense of maintaining, renewing, keeping in repair and clearing all streets and the pavement or other surface thereof, in all cases where such streets shall have been constructed to the grade established by the common council, and graveled, planked, macadamized or paved, as required by the common council, at the expense of the lots fronting or abutting on such streets, and of the ward fund, as hereinbefore provided, shall be paid out of the ward fund of the respective ward: *provided*, that when a street which has been graveled is ordered to be paved, planked or macadamized, the expense of such paving, planking or macadamizing shall be chargeable to and payable by the lots fronting and abutting upon said street, as hereinbefore provided for the first improvement of a street: *and further provided*, that when a change in the grade of any street is or-

Gutters and sidewalks.

How expenses to be met.

dered, the expense of cutting or filling incurred by such change of grade shall be chargeable to and paid by special assessment on the lots or property fronting or abutting on the street of which the grade shall be so changed.

Crosswalks and drains.

SECTION 2. The building and repairing of cross walks, and the laying and repairing of drains to carry the surface water at the intersection of streets, the construction and repair of sidewalks adjoining any public ground or squares, the cleaning of the streets, and the improvement of the streets by leveling, and putting them in proper condition, when not over two feet of filling or grading is required, the lighting of the streets, the building and maintaining of public cisterns or reservoirs, shall be chargeable to the respective ward funds: *provided*, that not over two thousand dollars ($2,000) shall be expended by any ward in any one year for the purposes provided for in this section: *and further provided*, that the building and repairs of sidewalks around school house and engine house sites shall be a city charge.

Swing bridges.

SECTION 3. The swing bridges now crossing Root river shall be maintained at the expense of the city, out of the general bridge funds, and the common council shall have power to build and maintain additional swing bridges across Root river; and such culverts across any water course in said city as may be necessary, not exceeding two culverts in any one year: *provided*, that not more than one swing bridge shall be built in any one year: *and provided*, that the estimated costs of such bridge or culverts shall have been raised or provided for, or levied as a general tax for such purpose on the taxable property of said city.

Public parks.

SECTION 4. The clearing, fencing and ornamenting of public parks and grounds shall be chargeable to the city.

Grading, dredging, and abating nuisance.

SECTION 5. Whenever the common council shall deem it necessary to grade or otherwise improve any street, alley or public ground, or to dredge or dock any part of the river, or to abate any nuisance caused by stagnant water in said city, and not covered by the provisions of section sixteen of this title, or lay or construct any sewer, it shall cause to be made an estimate of the costs of such work, and shall put the same on file in its office; and such estimate shall be open to inspection of any party interested. The common council may order such work to be done, provided that no such work chargeable to lots or parcels of land

fronting or abutting on the same, except repairs, and except docking and dredging and grading and building of sidewalks and gutters, shall be ordered, unless a petition therefor shall be first presented to the common council, signed by the residents of the city owning a majority of the feet in front of all the lots fronting upon such proposed improvements owned by residents of such city, or unless in the absence of such petition, the resolution of the common council ordering such work, shall receive the votes of three-fourths of the aldermen elected, and shall declare why it is necessary for the public interest to proceed without such petition; but no such resolution ordering work without a petition therefor shall be passed at the same meeting in which it is first considered, but the same shall lie over until a future meeting of the common council, and the vote on its passage shall be taken by yeas and nays, and duly entered in the journal of proceedings. However, in case the majority of feet in front of all the lots in any one block fronting on the proposed improvements are owned by non-residents of such city, then such work may be ordered upon the petition of the resident owners of a majority of feet in front of any adjoining block, or of the block opposite: *provided*, such owners of lots so petitioning for such work shall have petitioned for or shall have done similar work in front of lots owned by them respectively, in such adjoining or opposite block. Every person in the actual possession of real estate in the said city under a valid contract in force for the purchase thereof from the owner, shall be held in virtue thereof to be a freeholder, within the meaning of this act, and to be the owner of such real estate for the purpose of petitioning as owner thereof. Each person signing such petition as a resident, or as the owner of property, shall be required to write after his signature a brief description of the property so owned by him, and of the place of his residence in said city and to annex thereto an affidavit that he is such resident or owner, or both, in the city or ward, as the case may be, and thereupon he shall be taken to be such resident or owner, or both, and such petition shall be as valid and have the same effect as if such person were the owner of such property, or a resident of the city or ward, as stated in his affidavit, although in fact it should thereafter appear that he was not such owner or resident.

Providing for ...t of street ...rovement.

SECTION 6. Before ordering any such work to be done by the owner of lots or lands fronting on the

same, the common council shall ascertain and consider the amount proposed to be made chargeable against said several lots or pieces of land, and the benefits which in its opinion will actually accrue to the owners of the same in consequence of such improvement, and assess against the several lots or pieces of land or parts of lots or pieces of land, which it may deem benefited by the proposed improvements, the amount of such benefit which those lots or pieces of land will severally, in the opinion of the common council, derive from such improvement when completed in the manner contemplated in the estimate of the cost of such work, made as provided by section five of this title, taking into consideration in each case any injury which, in the opinion of the council, may result to each lot or piece of land from such improvement; and in case the benefits in its opinion amount to less than the costs of the improvements, the balance shall be paid out of the ward fund of the ward or wards in which such improvement is made: *provided*, that the making of such improvement and using the ward fund therefor shall be approved by the aldermen of the ward interested, and that the sum chargeable to any ward may be raised by a ward tax in addition to the amount authorized to be raised in such ward as an annual ward tax.

Assessment of benefits, etc.

SECTION 7. As soon as any assessment of benefits or damages, or of both, shall be made as in the preceding sections of this chapter provided, the common council shall give notice to all parties interested, by advertisement for not less than two weeks in the official paper of said city, that such assessment has been made and is ready for inspection in its office, and that the same will be open for review and correction by the common council, at two successive regular meetings of the common council for not less than three weeks after the first publication of such notice, that all persons interested will then be heard by the council in objection to such assessment and generally in the matter of such review and correction. It shall be sufficient to state in such notice in brief what such assessment has been made for and in what locality, and no further notice or publication of such assessment shall be necessary. At the meetings mentioned in such notice the council shall hear objections and evidence, and it shall have power to review, modify and correct such assessment in such manner as it shall deem just, at any time during such review.

Notice to owners.

SECTION 8. Thereupon as soon as the common

council shall have completed such assessment of benefits and damages, the city comptroller shall give notice for two weeks in the official city paper, to the owner or owners of any lot or parcel of land fronting upon any such improvement to be made, requiring him or them to do the work mentioned in such notice, within a reasonable time to be therein specified; and if such work shall not be done within such time, the common council shall contract for the doing of the same as hereinbefore provided. Said contract shall require the contractor to receive certificates upon or against the several lots, parts of lots or parcels of land which may be assessed with benefits on account of the same to apply in payment of the contract price, as now provided by law, and shall further require that in case the said assessments or any of them be not paid to the proper officer, before the sale of the respective lots or parcels of land for said assessment by the county treasurer, said contractor shall accept and receive in exchange for said certificates of special assessments, certificates of tax sale upon said respective lots or parcels of land, and shall receive no money from the city until the money due on said special assessments or tax sale certificates shall have been actually paid into the city treasury: *provided*, that in any case when the contract price of the work to the center of the street or alley, done opposite to any lot or parcel of ground, shall exceed the benefits assessed to such lot, the excess shall be paid out of the ward fund of the ward in which such lot, part of lot or parcel of land shall be situated. In fixing the time within which such work is by such notice required to be done, the common council shall take into consideration the amount of work to be done, and the conveniences and facilities of the parties for doing the same.

Owners of lots may appeal.

SECTION 9. The owner of any lot or tract of land or tenement who feels himself aggrieved by such assessment as made by the common council, as to the amount of benefits thereby adjudged to accrue to him by reason of any improvement charged against his lot or parcel of land, or the amount of damages, costs and charges arising to such owner from an alteration of grade, may, within twenty days after such assessment by the common council, appeal therefrom to the circuit court of Racine county, and such appeal shall be taken, tried and determined, and bonds for costs shall be given and costs awarded therein, in like manner as in cases of appeal to the said circuit court provided for in title

five (5) of this act. Such appeal shall not affect the rights of the contractor or the proceedings in reference to his contract, but the certificate against the lot or parcel of land in question shall be given as if no appeal had been taken; and in case the appellant shall succeed, the difference between the amount charged in the certificate and the amount of benefit finally adjudged shall be paid by the city out of the proper ward fund to the appellant, but not until he shall have done the work in question or have paid the certificate issued for doing the same. The amount assessed by the common council or finally adjudged on an appeal, for damages, costs and charges arising from an alteration in the grade in excess of the amount charged against property deemed benefited, shall be paid by the city out of the proper ward fund to the person or persons thereto entitled, within one year of the assessment by the common council or after final judgment therefor rendered by the court on appeal as aforesaid: *provided*, that the time during which an appeal from such judgment may be pending in the supreme court shall not be deemed part of the year so limited.

An appeal the only remedy.

SECTION 10. The appeal given by the last preceding section from the assessment of the common council to the said circuit court, shall be the only remedy for the recovery of any damages, costs and charges arising from any alteration of grade by the said city, or sustained by reason of any proceedings or acts of the said city, or its officers, in the matter to which assessment of damages or benefits relates; and no action at law shall be maintained for such damages or injuries, whether arising from an alteration of grade, or otherwise.

Power of common council to contract for streets, etc.

SECTION 11. The common council shall have power to cause sidewalks, with proper guards or handrails, if necessary, curbing of wood or stone, and gutters, to be built, rebuilt or repaired, and to assess the costs thereof against the particular lot or lots in front of which such work shall have been done; such work may be done and required to be done without any petition therefor, upon passage of an order or resolution by the common council describing the location and the lots or lands in front of which such work shall be done, and naming the owners thereof, if known, and containing a particular description of the work and naming the time (which shall not be less than ten days) in which the same shall be done; notice of such order or resolution shall be given either by the service of copies thereof

upon the owners of such lands personally, or by leaving a copy with the occupant of any building on such lot or lots, if they shall be occupied, or by publication of such order or resolution in the official paper of the city, at least ten days before such work is required to be done. The affidavit of the officer serving such order describing the manner of such service, or the affidavit of the printer of the publication of such order, shall be *prima facie* evidence of such service. If, after the time mentioned for the performance of such work on such order, such work or any part thereof shall not have been done, the common council may cause such work to be done by contract or by men in its employ, and shall charge the particular cost of such work done in front of or contiguous to any lot or parcel of land as a special assessment against the respective lot or lots in front of or contiguous to which such work shall have been done. Said contracts shall contain like provisions as to the receiving of special assessment certificates and tax certificates in payment by said contractor as are contained in section eight of this title.

Payment of contractor.

SECTION 12. After the completion and performance of any contract entered into by the common council by virtue of any of the provisions of any of the preceding sections of this title, or of any sections of chapter three hundred and thirteen of the laws of 1876, as amended, for work chargeable to the lots or lands fronting thereon, or to other lots upon which assessments of benefits have been made therefor, by virtue of said act as amended, it shall give to the contractor or contractors a certificate, signed by the mayor and countersigned by the comptroller, stating the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable. It shall be the duty of the comptroller to keep a register of all the certificates issued against lots and countersigned by him, which said certificates may be paid to the city treasurer at any time before the return of the delinquent tax list to the county treasurer of Racine county; and said city treasurer shall receive the amount paid on such certificates, and hold the same for the benefit of the owners of such certificates, and such owners shall be entitled thereto upon producing and surrendering such certificates to be canceled; and if the amount thereof shall not be paid before the time of making out the annual tax list, the same shall be

assessed upon said lots or parcels of land respectively, and collected for the use and benefit of the holders of such certificates; and if the same be not paid at the time of the return of said delinquent list, they shall be included in said delinquent list, and they shall be designated on said list as special assessments, and for whose benefit the same are to be collected; and the said lots shall be advertised for sale by the county treasurer in the annual tax sale list, and if not redeemed, shall be sold by said county treasurer, and the city treasurer shall be present at said sale, and if no bids be received, shall bid off said lots and parcels in the name of and solely as agent for said contractor, and said county treasurer shall turn over the certificates upon any lots so bid in by said city treasurer, to said city treasurer, upon his receipt therefor, and the city treasurer shall thereafter hold the same, as agent for said contractors, and turn the same over to said contractors, on surrender of the special assessment certificates previously issued, and payment of the expenses of sale and collection fees; or, if the same be paid, said city treasurer shall receive the moneys due thereon and deliver the same, except said expenses of sale and collection fees, to said contractors on surrender of said special assessment certificates. All sales for special assessments shall be made separate and distinct from any state, county, city, ward or other taxes which may be due on the same lands, and the certificates of sale on said special assessment shall be subsequent and subject to the lien of any of said state, county, city, ward or other taxes for the same year. Tax deeds may be issued on said special assessment sales with the same effect as upon other tax sales, except as herein otherwise provided. If the notice to do the work required shall have been given as herein provided, no informality or error in the proceedings shall vitiate such assessment. All certificates issued under and in pursuance of any of the provisions of this title shall be liens upon the lots or parcels of land against which the same shall be respectively chargeable, from and after the time when such certificates shall be countersigned and registered by the city comptroller. Such certificates of special assessment shall, after the sale of taxes by the county treasurer, bear interest at the rate of twenty-five per cent. per annum.

Special assessments.

Tax deeds.

SECTION 13. In all cases where the common council shall have issued a certificate for work done on any street, sidewalk or alley, chargeable to lots or lands,

Certificates, how collected.

according to the provisions of this act, and the lot or tract of land described in such certificate shall have been subdivided prior to the date of such certificate, then the work certified to in such certificate shall be chargeable to that subdivision of such lot or tract of land which fronts on the street, sidewalk or alley on which such work shall have been done, according to law; and it shall be lawful for the city treasurer, in collecting the special taxes assessed by reason of the issue of such certificate, to collect the amount named in such certificate, from that subdivision of lot or tract of land which fronts on the street or alley named in such certificates, and on which said work was done according to law.

Snow to be removed from sidewalks.

SECTION 14. Whenever snow shall fall upon any of the sidewalks of the said city, so that the same shall be encumbered thereby, and such snow shall not be removed therefrom within twenty-four (24) hours after the snow shall cease falling, then the common council shall have power forthwith, without notice, to employ persons, or to make contract or contracts to remove such snow from any sidewalk or part of sidewalk in said city, where it shall by resolution declare it to be necessary, and assess the costs thereof against lots or parts of lots and parcels of land abutting on such sidewalk or part of sidewalk, in the manner hereinbefore directed.

Dangerous sidewalks.

SECTION 15. Whenever any sidewalk or part of any sidewalk shall, in the judgment of the common council, declared by resolution to that effect, be in dangerous condition to persons passing over it, for want of being repaired or remade, or for want of proper guards or hand rails, it shall have power to order the same to be forthwith repaired or remade, and thereupon forthwith to employ fit persons to repair or remake the same, or build such guards or hand rails for a fair price, and charge the expense thereof to the lots, parts of lot or parcels of land abutting thereon, by a special assessment; and such assessment shall be a valid charge and lien upon such lots, parts of lots or parcels of land, without any estimate, notice, letting, or other proceeding preliminary to the doing of such work, except the resolution of said council so declaring such sidewalk to be dangerous.

Nuisances to be abated.

SECTION 16. Whenever any nuisance, source of filth or cause of sickness shall be found on private property, or in the alley or street in front or rear of such property, the common council may order the owner

or occupant thereof, at his own expense, to remove or abate the same within twenty-four (24) hours from the date of the order, or within such time as may be named in said order, and if the owner or occupant shall refuse or neglect so to do within the time named in said order then the common council shall forthwith cause said nuisance, source of filth or cause of sickness to be abated or removed, at the expense of the owner or occupant of the lot or tract of land in the front or rear of which, or upon which, such nuisance, source of filth or cause of sickness may be found.

Expense to be defrayed by wards.

SECTION 17. In all cases mentioned in sections fourteen, fifteen and sixteen of this title, or in either of said sections, wherein the common council is authorized to do any work, or cause the same to be done, and to charge or assess the expense thereof upon the lots, parts of lots or parcels of land upon or in front, or in the rear of which such work may be done, the expense of such work may, in the first place, be defrayed out of the ward fund of the proper ward. The common council shall cause to be kept a strict account of the labor expended upon such work in front or rear of each such lot, part of lot or parcel of land, and of the cost thereof for each such ward in said city, and a description of the lots, parts of lots or parcels of land in front of or rear of, or upon which work chargeable thereto under either of said sections, shall have been done by said council under authority thereof, the nature of the work so chargeable to each lot or parcel, and the amount actually expended therefor, and such amounts shall be levied on the lots or parcels of land respectively to which they are so chargeable in like manner as other special taxes are levied in said city; and when collected the same shall be credited to the account of the ward fund of the ward in which the property is situated.

Strict account to be kept of the labor.

Breakwaters, etc.

SECTION 18. The common council may cause the construction of breakwaters, parallel piling, sheet piling, piers, or such other protection as may be planned or devised for the purpose of protecting the shores of said city against the encroachment of Lake Michigan, and defray the costs thereof by levying city and ward taxes and special assessments upon real estate deemed to be specially benefited by such protection; no petition shall be required to authorize the construction of any such protection. Whenever it shall be deemed necessary to construct any of the protection named in this section, the common council shall first cause plans

and specifications, and an estimate of the cost thereof, to be made and filed with the city clerk. After the adoption of such plans and specifications, and after the cost of such work shall have been so ascertained, the common council shall determine the amounts, if any, intended to be charged as special assessments against any and every lot or parcel of land deemed to be benefited by such protections, and the respective amounts to be raised by special ward taxes, or to be paid out of the proper ward fund, and what amounts, if any, shall be defrayed from the general city fund or raised by a special tax on the city for such purposes: *provided*, that the general appropriation from the city fund or city tax for any one year for such purpose, shall not exceed the sum of one thousand dollars ($1,000), and shall not be expended for any other purpose than for the protection of east ends of public streets.

Assessments, how to be made

SECTION 19. Upon the determination of making any assessments on real estate deemed to be benefited by the protections so planned, the common council shall appoint a time and place for hearing objections, if any, to such assessments, and shall cause a statement of such assessments to be published in the official paper of the city at least ten days before such hearing, with a notice that all persons interested may appear before the common council at the time and place therein named and fixed for such hearing, and be heard on the subject of such assessment, and also cause a copy of such statement and notice to be served at least five days before said hearing upon every known owner of land so assessed, if a resident of the city; and if found, personally, or by leaving a copy thereof at his or her last place of abode in said city. At the time and place appointed the common council shall meet and hear all persons interested in such special assessment and decide upon all objections raised, and it may continue such hearing from time to time until fully disposed of. The city clerk shall record in the minutes of the council all the proceedings and decisions. Any party feeling aggrieved by such assessments may within ten days after final action thereon by the council, appeal therefrom in the circuit court of Racine county, by filing a notice of appeal and an undertaking signed by the appellant and at least one surety, to be approved by the mayor, conditional that the appellant will pay all costs, not exceeding five hundred dollars, if such assessment shall not be reduced on such appeal. Such appeal shall be the only remedy against such assessment, and

if such statement and notice shall have been duly published and served, no irregularity or defect in the proceedings shall affect the validity of the same. Such appeal shall not hinder or delay the issuance of the certificate of special assessment provided for in the next succeeding section, nor the rights of any contractor thereunder, but in case the appellant succeed, the difference between the assessment of the council and the amount finally adjudged shall be adjusted in like manner as provided in section nine of this title.

Work to be let on contract to lowest bidder.

SECTION 20. After the assessment shall have been finally affirmed by the common council, the work shall be let to the lowest responsible bidder or bidders on contract, at least two weeks' notice of the receiving of such bids having been given in the official paper of the city; and the common council may reject any and all bids if found too high, or for any neglect to furnish proper bonds for the true performance of such contract. The contractor may be required to receive as payment or part payment the certificates of special assessments upon the lots or lands benefited, and may be required to make a contract in all respects similar to the provisions of the contract named in section eight (8) of this title, so far as said certificates are to be used to pay for such work; and said assessments shall be a lien on the property assessed, and the certificates issued thereon shall be similar to and possess all the qualities of the certificates named in section twelve of this title, and the mode of collection thereof, and the contractor's rights thereunder shall be the same as provided by said last named section.

WARD EXPENDITURES.

Aldermen to special care of ward.

SECTION 21. The aldermen of each ward shall have the special care of streets, alleys, sidewalks and public grounds in their respective wards, and the common council shall from time to time appropriate from the respective ward funds such sums to be expended by the aldermen of each ward for proper ward purposes as may be deemed necessary.

May draw on funds.

SECTION 22. The aldermen of each ward may draw on the sums appropriated for their respective ward funds, by orders directed to the city treasurer and countersigned by the comptroller, and said orders shall specify the purposes for which they are drawn, and shall be drawn to the order of the person entitled to the same.

May not contract debts.

SECTION 23. No aldermen of any ward shall contract any debt against such ward in excess of the tax

levied to meet the current expenses thereof for the year, or draw or issue any orders in excess of the appropriation made by the common council from such ward fund, and all debts incurred or orders drawn in violation of this section shall be no charge against such ward nor the city, but the aldermen guilty of the violation shall be held personally liable to any person injured thereby.

Shall report in detail to council.

SECTION 24. The aldermen of each ward shall at the first meeting of the common council in each year report the liabilities incurred against their respective wards, and in detail the orders by them drawn during the year last past on the ward appropriation.

Lighting streets; building cisterns.

SECTION 25. The common council may authorize the aldermen of the respective wards to contract for the lighting of the streets, and for the building of public reservoirs or cisterns; but all such contracts, before they shall have any validity, shall be approved by the city council and countersigned by the city comptroller: *and provided*, that no liability shall be created against any ward fund in excess of the tax levied for ward purposes.

Street commissioner; duties and compensation.

SECTION 26. The common council may appoint for each ward a street commissioner to oversee and direct the repairs of streets, alleys and sidewalks, whose duty it shall be to report to the aldermen of his ward the condition of the streets, alleys and sidewalks, and to make such recommendations as he may deem proper, and to prevent and report any encroachment or unauthorized encumbering of any street, sidewalk or alley, and to report and make complaint against all persons who shall be guilty of depositing any earth, rubbish, filth, or other matter on any street, sidewalk, alley or public ground, or of injuring or digging up any street, alley, sidewalk or public ground in his ward. Such street commissioner shall receive a compensation, to be paid out of the respective ward fund, not exceeding two dollars ($2) per day.

THE CITY SURVEYOR.

Powers of surveyor.

SECTION 27. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within the city, and shall perform the duties required of him by this act, and by the common council. All surveys, profiles, plans and estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and when required by the com-

mon council he shall file copies of plans, profiles and estimates with the city clerk, and all books and papers appertaining to said office shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or to the common council.

SECTION 28. It shall be his duty when required to make surveys, profiles, plans and estimates for the grading of any street, alley or ground for the building or construction of reservoirs, sewers and drains, and to make such recommendations to the common council or aldermen of any ward as he may deem proper; to examine any public work or improvement done by contract for any ward of the city, and make true report thereof to the common council. Duties of surveyor.

SECTION 29. All surveys of streets, alleys or public grounds in said city made by the city surveyor by order of the common council, shall be *prima facie* evidence of their correctness in all courts of this state. Surveys to be prima facie evidence.

SECTION 2.

Title seven of said chapter three hundred and thirteen of the laws of 1876, is hereby amended so as to read as follows:

TITLE VII.

THE HARBOR.

SECTION 1. The common council of the city of Racine shall have power, by ordinance, to establish dock and wharf lines upon the banks of Root river in said city, wherever the same are not established; to restrain and prevent encroachments upon said river and obstructions thereto, and to construct, alter and maintain, at the expense of the city, docks or wharves along the banks of said river, where the same are not by law required to be constructed and maintained at the expense of the owners of the lots bounded on said river. Common council shall maintain harbor.

SECTION 2. The common council shall have power to dock and require the docking of Root river within the limits of said city, and to protect and require the protecting of the banks of any stream or creek emptying in said river, so as to prevent the washing away of such banks, and to prevent sand and other obstructions from washing into said river, and may, by ordinance, require the docking of the banks of said river, and the repairing of any docks and the filling of any lots abutting thereon, and the protecting of the banks of any creek, gutter or water emptying into said river, by the owner or owners of the pieces or parcels of land, lots or docks adjoining or abutting on said river, gutter or Docking of Root river.

water course, in such manner, and within such reasonable time as the common council shall prescribe; and if any owner or owners of such lots, lot, piece or parcel of land so adjoining or abutting, shall neglect or refuse to build or repair such docks or other protection, or to comply with any of the requirements of such ordinance, the common council may let such docking, repairing, filling or protecting, by contract to the lowest responsible bidder for the same. Such contract shall have like terms and provisions as are specified in section eight of title six of this act, and when the work shall be completed according to such contract, the whole expense of such work shall be charged and levied against and collected from each particular lot or parcel of land in front of or along which such work has been done; and a certificate shall be issued to such contractor; which certificate shall be in all respects similar to and possess the qualities of the certificate issued under section twelve (12) of title six of this act, and its payment and collection shall be enforced in like manner and with like effect.

Dredging Root river.

SECTION 3. Said common council shall have power to provide by ordinance for dredging Root river, and to require of the owners of lots or lands abutting on said river, to dredge the same opposite such lots to the width of fifty feet, in such manner and to such depth, and within such time as the council may direct; and the earth excavated from the bed of said river may be deposited upon such lot or lots or be otherwise disposed of; and if the owner or owners of such lot or lots shall refuse or neglect within the time specified by said council to do such dredging, the common council may let such dredging by contract to the lowest responsible bidder for the same; such contract shall have like terms and provisions as are specified in section eight (8) of title six of this act, but the common council may at the same time cause the river to be dredged to the same depth, in front of streets and other places in said river, where such dredging shall be chargeable against the city contiguous to the points required to be dredged by such ordinance, within the limits prescribed by such ordinance, and when the dredging in front of such lot shall be completed according to such contract, and accepted by the council, the expense of such dredging shall be charged and levied against the particular lots or lands in front of which such dredging has been done. And the mayor and city comptroller shall issue a certificate to such contractor, which certificate shall be

in all respects similar to and possess the same qualities of the certificate issued under section twelve (12) of title six of this act, and its payment and collection shall be enforced in like manner and with like effect.

SECTION 4. The common council shall annually appoint a harbor master on whom may be conferred the duties of bridge tender. The duties and compensation of such harbor master and bridge tender shall be prescribed by the common council, by ordinance. His term of office shall be one year, and until his successor is appointed and qualified; but he shall be subject to removal at any time by the common council. Harbor master.

SECTION 3.

Section one of title two of said chapter three hundred and thirteen is hereby amended so that the same shall read as follows:

SECTION 1. The elective officers of said city shall be: A mayor, two aldermen from each ward, constituting a common council, a city treasurer, a city clerk, who shall be *ex officio* comptroller, a city marshal, three assessors, two justices of the peace, and one supervisor from each ward, to represent such ward in the county board of supervisors of Racine county; and the appointive officers shall be: One school commissioner from each ward, constituting the board of education; three health commissioners, constituting a board of health; a city attorney, a chief of police, a fire marshal, a superintendent of the poor, a harbor master, who shall be bridge tender until otherwise ordered by the common council, a city surveyor, and as many bridge tenders, firemen, constables, policemen and such other officers and agents as may be provided for by this act, or as the common council may determine to be necessary. Elective officers. Appointive officers.

SECTION 4.

Section three of title two of said chapter three hundred and thirteen of the laws of 1876 is hereby amended so as to read as follows:

SECTION 3. The mayor, city marshal, one alderman from each ward, one assessor, one justice of the peace and one supervisor from each ward, shall be elected at the annual municipal election on the first Tuesday in April in each year. Said officers so elected shall enter upon the duties of their respective offices on the third Tuesday of April in the year of their election, and shall hold their respective offices for the term of one year, and until their successors are elected Elections.

and qualified, except justices of the peace, who shall hold their offices for the term of two years, and until their successors are elected and qualified, and assessors, who shall hold their offices for the term of three years, and until their successors are elected and qualified. At the annual municipal election, on the first Tuesday in April, 1880, there shall also be elected a city clerk who shall hold his office one year, and a city treasurer who shall hold his office two years, and until the election and qualification of their respective successors; the term of each of said last named officers shall begin on the third Tuesday in April, 1880. After said municipal election of 1880, said clerk and treasurer shall each be elected biennially at the annual municipal election in alternate years, and shall hold their respective offices for two years, and until the election and qualification of their respective successors.

Municipal election.

SECTION 5.

Amended.

Section two of title five of said chapter three hundred and thirteen is hereby amended by inserting after the words "all persons interested who shall appear and desire to be heard in opposition thereto," where they occur in said section, the following words: "Said council shall also hear all persons who shall desire to be heard in favor of such petition, and may continue or adjourn such hearing for such time as it may deem proper, but not longer than until the next regular meeting of said council;" also by inserting after the words "Monday next succeeding the day of such hearing," where they occur in said section the words "or adjourned hearing."

SECTION 6.

Amended.

Section three of title five of said chapter three hundred and thirteen is hereby amended by inserting after the word "forthwith," in the twenty-ninth line of said section, the words "or at the hour of ten o'clock A. M. upon the succeeding day."

SECTION 7.

Amended.

Section two of title eleven of said chapter three hundred and thirteen is hereby amended by adding at the end of said section the following words: "The common council shall also have power to adopt any system or systems of fire alarm, telegraph or other inventions for the rapid transmission of fire alarms, and to regulate and control the same, and punish the wrongful use or destruction thereof, by ordinance."

SECTION 8.

Section one of title twelve of said chapter three hundred and thirteen is hereby amended by striking out the words and figures, "three hundred dollars ($300)," immediately following the words, "to the superintendent of the poor," in said section, and inserting in place thereof, "three hundred and fifty dollars ($350)." Said section is further amended by striking out the words and figures, "five hundred dollars ($500)," immediately following the words, "to the city attorney," in said section, and inserting in lieu thereof the words, "six hundred dollars ($600)." Amended.

SECTION 9.

Section one of title thirteen of said chapter three hundred and thirteen of the laws of 1876, as amended, is hereby amended so as to read as follows: Amended.

SECTION 1. The common council shall annually, on or before the first Monday of September, levy a tax upon all the taxable property of said city sufficient to pay the salaries of the officers of said city, as in this act provided, and to meet the interest on the corporate debt and to provide for the sinking fund, as provided by law, and for the purposes hereinafter named, to wit: Tax levy.

1. For school purposes, including repairs of school houses and incidental expenses, a sum not exceeding twenty-three thousand dollars ($23,000), the sums received from the state school fund, from tuition fees and all other sources to be in addition to such fund. School purposes.

2. A sum not exceeding three thousand dollars ($3,000) for harbor purposes. Harbor.

3. A sum not exceeding twenty-three hundred dollars ($2,300) for the repair of bridges and building and repairing of culverts. Bridges.

4. A sum not exceeding five thousand dollars $5,000) for the fire department. Fire department.

5. A sum not exceeding six thousand dollars ($6,000) for a contingent fund; all the delinquent taxes and remittances shall be charged against the contingent fund. Contingent fund.

6. A sum not exceeding three thousand dollars ($3,000) for the support of the poor of said city. Poor fund.

7. A sum not exceeding three thousand dollars ($3,000) for a police fund. Police fund.

8. A sum not exceeding two thousand dollars ($2,000) may be annually levied on the taxable property of each For repair of streets.

ward for the repair of streets, lighting of streets, and other ward purposes.

Money from fines, etc., credited to poor fund.

All moneys received from fines, penalties and licenses shall be credited to the poor fund, from which such sums as shall not be required for the support of the poor may be transferred to the contingent fund when necessary. In addition thereto and to the special levies and assessments authorized by this act, or as may be hereafter authorized, the common council may, at such annual levy, by a vote of three-fourths of all its members, whenever it shall have been determined to be necessary to erect any new school house or other public building, or to purchase real estate for such purposes, or to make any other urgent improvement or purchase, levy an additional sum for said contingent fund not exceeding one and one-half mills on the dollar of the valuation of taxable property of the city as returned by the assessors for such year.

SECTION 10.

Amended by adding new section.

Title thirteen of said chapter is hereby amended by adding thereto a new section, to be numbered section eight, and which shall read as follows: Section 8. In addition to the tax levies and assessments provided by this act, the common council of this city is hereby authorized and empowered to make the following levies, viz: 1. Said council is authorized at the time of the annual tax levy in any year, to levy upon the taxable property of any one of the several wards of said city now existing or hereafter to be formed, a special tax not exceeding two thousand dollars ($2,000) for any one ward, for the purpose of purchasing suitable real estate in said ward and building thereon a suitable house or building for election purposes and other ward and city uses. Said council is also hereby authorized to purchase and hold such real estate and contract for and build such building. Such special ward tax shall be levied but once in any one ward. 2. Said council is authorized at the time of the annual tax levy in any year to levy upon the taxable property of the first ward of said city a special tax, not exceeding the sum of three thousand and five hundred dollars (3,500), to be expended for the purpose of boring and constructing an artesian well in said ward and laying pipes and building reservoirs therefor. 3. Said council is authorized at the time of said annual tax levy in any one year to levy a special tax upon the taxable property of the city, not exceeding the sum of three thousand dol-

Special tax authorized.

lars (3,000), which shall be expended for the purpose of building one brick cistern in each of the wards of said city: *provided, however*, that in case of the construction of an artesian well in the first ward of said city, an equal one-sixth part of the sum raised under this sub-division may be expended in and about the construction of said well, instead of being used in building a cistern. The levies named in subdivisions two and three of this section shall be made but once. *Provided, also*, that the sum levied upon the second ward of said city under subdivision one (1) of this section, or any portion of said sum, may be used for the purchase of lands or lots containing gravel in any part of said city, the same to be reserved for the exclusive use of the said second ward for obtaining gravel for the improvement of streets and other ward purposes.

SECTION 11.

Section three of title fourteen of said chapter three hundred and thirteen is hereby amended by striking out the word "thirty," in the last line of said section, and inserting in lieu thereof the word "forty-five." Amended.

SECTION 12.

Section five of title fourteen of said chapter three hundred and thirteen is hereby amended by adding at the end of said section the following words: "Except as is otherwise provided in title six of this act." Amended.

SECTION 13.

Section three of title fifteen of said chapter three hundred and thirteen is hereby amended by striking out the word "five," where it occurs in the fourth line of said section, and inserting in place thereof the word "two." Amended.

SECTION 14.

Section twelve of title fifteen of said chapter three hundred and thirteen is hereby amended by striking out the words and figures "six hundred dollars ($600)," where they occur in said section, and inserting in place thereof the following words and figures: "Fifteen hundred dollars ($1,500)." Amended.

SECTION 15.

Section fourteen of title seventeen of said chapter three hundred and thirteen is hereby amended by adding thereto the following words: The common council of said city is hereby authorized to codify, revise and consolidate in a single ordinance all the existing Amended. Common council may codify rules, etc., and print in book form.

ordinances, rules and regulations of said city, with such additions as to it may seem proper, and to cause the same to be printed in book or pamphlet form, and said council may also cause the charter of said city as now amended and existing and any other acts affecting said city, to be printed either in connection with or separate from said ordinance, all of said printing to be under supervision of some suitable person appointed for the purpose, and said printing and publication shall be sufficient printing and publication of said ordinance; and said pamphlet or book shall be admitted and may be read in evidence in all courts and legal proceedings, and shall be prima facie evidence of the contents, passage and publication of said ordinance. The city clerk of said city shall preserve and keep in his office the original codified ordinance as signed by the mayor, which shall be a sufficient recording of the same, and no further recording thereof shall be required.

SECTION 16.

Amended.

Section six (6) of title fifteen (15) of said chapter three hundred and thirteen is hereby amended by inserting at the end of the sixth line of said section the words "competent and."

SECTION 17.

All acts and parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

SECTION 18.

Enforcing clause.

This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 134, S.] [Published March 19, 1880.]

CHAPTER 181.

AN ACT to amend chapter two hundred and thirty-one of the laws of 1876, entitled an act to amend and re-enact as amended chapter three hundred and thirty-three of the laws of 1875, entitled an act to amend chapter sixteen of the private and local laws of 1872, entitled an act to incorporate the city of Eau Claire, so as to authorize the construction of water works by and for said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Surplus water-power may be leased.

SECTION 1. Section three of chapter two hundred and thirty-one of the laws of 1876 is hereby amended so as read as follows: Section 3. In case the dam

hereby authorized to be erected across said river shall create any water power, flowage, slack water or accumulation of water not immediately or continuously needed to propel the machinery and maintain and supply the mains connected with said water works, or to protect or preserve the navigability of said river, the common council of said city is hereby authorized and empowered to let, lease and rent such surplus water power, flowage, slack water or accumulation of water, or any part or portion thereof, for manufacturing or other purposes, which may not be needed to operate and supply such water works and protect and preserve the navigability of said river. And may also let, lease and rent any of the piers, booms or other structures which may be constructed or erected under the provisions of this act, for any use or purpose which shall not materially obstruct the navigability of said river, or interfere with the successful operation and maintenance of the dam and works herein authorized to be constructed. And the said common council may when not leased, and the lessees thereof may when leased, fix the rents for water power and for the use of such flowage, slack water or accumulation of water, and the rates for assorting, boomage or storage of saw logs, timber, fence posts and railroad ties, not, however, exceeding fifty cents per one thousand feet, board measure, for saw logs and timber, and not exceeding one dollar per hundred for fence posts and railroad ties. And the said city of Eau Claire, when the said works are not leased, and the lessees thereof when the same are leased, may demand, receive, sue for and collect the said rates and charges so by them fixed, of the owner of such materials, or person at whose request such service was performed, or other persons liable therefor. And for the said rates and charges for the assorting, boomage or storage of logs and other materials, shall have a lien upon the said logs and other materials so assorted, boomed or stored for the full amount thereof, and may enforce the same to the same extent, with the same remedies and in the same manner as is provided for liens for labor and services in respect to logs and timber by chapter one hundred and forty-three of the revised statutes of the year A. D. 1878. And such liens shall take precedence of all other liens except liens for labor.

Piers and booms may be leased.

Rents for w power.

Charges to be lien upon log

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 178, S.] [Published March 19, 1880.]

CHAPTER 182.

AN ACT to authorize Delos R. Moon, his associates or assigns, to improve Wolf River, a tributary of the north fork of the Eau Claire river, in the counties of Clark, Chippewa and Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam and improvements.

SECTION 1. For the purpose of improving Wolf river, a tributary of the north fork of the Eau Claire river, in the counties of Clark, Chippewa and Eau Claire, in the state of Wisconsin, so as to facilitate and improve the driving and floating of logs in and down so much of said Wolf river as is situated south of the north line of town twenty-nine north, of range five west, of Chippewa county, Delos R. Moon, his associates or assigns, are hereby authorized and empowered to improve said portion of said Wolf river by building dams, clearing and straightening channels, closing sloughs and otherwise, so as to improve said portion of said river for driving and floating logs and timber, and keep the same in repair, and operate at all times the same for the driving and floating of all logs and timber that may be put in said Wolf river for the purpose of being floated and driven down and out of said river.

When tolls may be charged.

SECTION 2. Whenever the said Delos R. Moon, his associates or assigns, shall have so improved that portion of said Wolf river below the said north line of town twenty-nine, so as to render the floating and driving of logs and timber down said portion of said river from the said north line of town twenty-nine to the mouth of said Wolf river, reasonably certain and practicable, and shall maintain and operate the same so that logs and timber can be so driven down said portion of said river with reasonable certainty on such freshets and with such rises of water as are necessary to float and drive logs, in connection with such aforesaid improvements, then the said Delos R. Moon, his associates or assigns, in consideration of such improvements and the facilities obtained thereby, shall be and hereby are authorized to charge, and shall be entitled to collect and receive of any and all persons owning or controlling logs in said portion of said Wolf river, twenty cents per thousand feet, board measure, for all logs put into said Wolf river above the south line of section twenty-three of town twenty-nine north, of range five west, in Chippewa county, and ten cents per thousand feet,

Tolls.

board measure, for all logs put into said river below said section twenty-three, as toll on all logs and timber designed and intended to be floated down the same.

May drive logs not their own.

SECTION 3. Whenever the said Moon, his associates or assigns, shall have so improved said portion of said Wolf river as aforesaid, as provided in section two of this act, he or they shall be and hereby are authorized to take possession of all logs and timber put into said river to be floated or driven down the same (the owners of which shall not have made adequate provision for driving the same, or which may be in the way of the main drive in said river) and to drive the same down said Wolf river, to or out of the mouth thereof, and shall be and hereby are authorized to charge, and entitled to collect and receive of the owners of such logs or timber, seventy-five cents per thousand feet, board measure, for all of such logs or timber so driven from above the south line of section twenty-three, of said town twenty-nine, of range five west, to or out of the mouth of said river, and fifty cents per thousand feet, board measure for all other such logs so driven to or out of the mouth of said river: *provided*, that for all such logs and timber so driven a less distance than five miles, no more than ten cents per thousand feet shall be so charged, collected and received.

Charges to be a lien upon logs.

SECTION 4. For all such charges for toll or otherwise on account of such improvements, or for the driving of any logs or timber under this act, the said Moon, his associates or assigns, may have and the same shall be a lien upon all such logs and timber as may be put in said river to be floated or driven down said portion thereof, or that may be driven down said river by said Moon, his associates or assigns, and upon all other logs of the same lot and mark. And such lien may be enforced in every respect in the same manner as any other lien for labor or services on logs is or can be enforced under the provisions of any law of this state.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 67, S.] [Published March 19, 1880.]

CHAPTER 183.

AN ACT to provide for the appointment of register of probate of the county court of Milwaukee county, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Judge to appoint register of probate to serve during pleasure of judge, and be versed in probate law.

SECTION 1. After the first day of May, 1880, there shall be appointed by the county judge of Milwaukee county, a register of probate of the county court of said county, who shall hold his office during the pleasure of said judge. Such register shall be well versed in the law pertaining to probate business, and before he shall enter upon the duties of his office, he shall procure from the justices of the supreme court of this state, or a majority of them, a certificate to that effect, and he shall also take the oath of office prescribed by the constitution of the state, and give an official bond conforming substantially to the official bond required of the clerk of the circuit court, by chapter thirty-seven of the revised statutes, except in the description of the office; such bond to be approved, recorded and filed in like manner as the official bond of said clerk, and be subject to the same provisions of law. Said register of probate shall have the care and custody of all books, papers and records now required by law to be kept in the care and custody of the county judge, and shall carefully preserve the same to be delivered to his successor or to the person authorized by law to receive the same. He shall keep such books and make such entries and records therein as required by section two thousand four hundred and fifty-six of the revised statutes, or by any rule of the court, or by any special order of the judge. He may administer oaths and give, under the seal of the court, certified copies and transcripts of any paper, record or document in his custody. He shall keep his office, and the books, papers and records thereof, at the office of said county judge, which office, books, papers and records, shall, at all reasonable times be open to access and inspection by any person having any business therewith. He may draw all petitions, orders and other papers required in matters pending, or intended to be brought before said court or judge, until some contest or dispute shall arise in reference to the same. He may also, from time to time, in matters and proceedings in which there is no contest, advise executors

uties of register.

administrators and guardians in regard to their duties in the administration of estates under their charge, and in regard to the manner of performing such duties. He may draw all orders, judgments and decrees necessary and proper to carry into effect any decision or order of the court, or judge in probate proceedings, whenever directed by the judge. He shall receive for his services a salary of two thousand dollars per annum, payable monthly at the end of each and every month, out of the treasury of said county. He shall receive no fees of office, or other compensation, than his salary; he shall have no connection with any other attorney in the practice of law; he shall not be a commissioner, appraiser, or divider of any estate in any case within the jurisdiction of said judge or court.

County judge may appoint an assistant register.

SECTION 2. The county judge may appoint an assistant register of probate of said court whenever the business may require it; such assistant register shall take a like oath and give a like bond as required of said register of probate. He shall hold his office during the pleasure of the county judge. In the absence of the register of probate from his office, the assistant register may perform all the duties of the register of probate, with such exceptions and limitations as may be fixed by the county judge. The salary of the assistant register of probate shall be fixed by the county judge of said county, at a sum not greater than eight hundred dollars, in proportion to amount of services it may be necessary for him to render, and be payable monthly at the end of each and every month. He shall receive no fees of office or other compensation than his salary. Nothing in this act shall be construed as prohibiting the county judge of Milwaukee county from drawing any papers or giving any counsel in probate matters or proceedings in which there is no contest involved: *provided*, such judge shall receive for such service no fees or other compensation than his salary now provided by law.

Repealed.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act, including all that part of section two thousand four hundred and eighty-three, chapter one hundred and fifteen, revised statutes 1878, which authorizes said county judge to employ clerks or assistants, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 136, S.] [Published March 16, 1880.]

CHAPTER 184.

AN ACT to authorize D. P. Simons, his associates and assigns, to construct and maintain a dam across and otherwise improve Butternut creek, in Price county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. D. P. Simons, his associates and assigns, are hereby authorized to erect and maintain a flooding dam across Butternut creek, in section eighteen, township forty north, range one west, in Price county, Wisconsin, and otherwise improve said creek so as to equalize the flow of water therein, and prevent it from being unnecessarily high in the times of natural floods, and furnish sufficient water by floods from said dam, to float logs and timber from said section eighteen down said creek into the Flambeau river.

Slides and flooding gates.

SECTION 2. The said D. P. Simons, his associates and assigns, shall build suitable slides and flooding gates in said dam for the purpose of sluicing and driving saw logs and timber through the said dam and into the Flambeau river, and to keep the same in good repair, and shall hold the water back for the above named purposes whenever the case may require.

Tolls.

SECTION 3. When said dam and improvements have been made as hereinbefore provided, so as to render the floating of logs and timber down and out of said creek reasonably certain, the said D. P. Simons, his associates and assigns, in consideration of the building of said dam and the making of said improvements, shall be entitled to charge and collect tolls on all logs and timber run over said dam and out of said creek, from the persons owning or controlling the same at the rate of ten cents per thousand feet, board measure, and for all logs and timber put in below said dam, and floated out of said creek, the sum of five cents per thousand feet, board measure.

Tolls to be lien upon logs.

SECTION 4. The tolls authorized by this act shall be a lien on the logs and timber subject to the same, and be enforced in the same manner as liens for labor on logs under the general statutes.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 29, S.] [Published March 26, 1880.]

CHAPTER 185.

AN ACT to amend chapter thirty-four of the revised statutes, entitled "of the militia," and the act amendatory thereof, and to provide for the greater efficiency of the Wisconsin national guard

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section six hundred and twenty-three of the revised statutes is hereby so amended as to read as follows: Section 623. Every company or battery of the Wisconsin national guard shall provide suitable uniforms, which shall be the same prescribed for similar organizations in the United States army, unless the governor authorize or permit a different uniform to any company or battery. There shall be paid annually to each company or battery which shall be entitled to the benefits of this chapter from the state treasury, for the purpose of aiding in procuring uniforms and keeping them in repair, a sum equal to five dollars for each of its members who are actually and fully uniformed, and are in attendance at the annual inspection, and at the encampment for such year into which said company may be ordered, not to exceed seventy-five members to each company, and no company with less than fifty-five members shall be entitled to such allowances. Such fund shall constitute the clothing fund of the company or battery, and shall be used or applied to no other purpose than the procuring or repair of uniforms. The governor shall order such payment to be withheld from any company or battery which shall be delinquent in returns or reports, neglectful of its duties, parades, drill or instruction, or guilty of any insubordination or misapplication of its funds drawn from the state. The governor may, by orders, require any or all of the companies to leave all or any part of such fund in the treasury on deposit, and to be expended for uniforms or repairs thereon, when and in such amount as he shall direct, and may make such orders or regulations, or require such security from officers from time to time as he deems necessary for the proper care or expenditure of said fund, or the clothing procured therewith.

Uniforms

Five dollars per capita.

Clothing fund.

When fund not to be drawn.

SECTION 2. Section six hundred and forty of the revised statutes is hereby so amended as to read as follows: Section 640. The governor may form the volunteer companies into battalions and regiments, and appoint officers therefor on the recommendation of a

Formation of battalions.

majority of the commissioned officers of the companies forming such battalion or regiment. Any number of volunteer companies, not less than three nor more than five, may be formed into a battalion; and two battalions of five companies shall be deemed a regiment; and the officers of such regiment shall be a colonel, who shall be the commanding officer, one lieutenant colonel and one major. A battalion of five companies shall be officered by a lieutenant colonel, who shall be the commanding officer, and one major; and a battalion of three or four companies shall be commanded by a major. The staff of a colonel of a regiment and of a lieutenant colonel, or of a major commanding a battalion, shall consist of one adjutant, one quartermaster and one surgeon, each with the rank of a first lieutenant, and one chaplain, one quartermaster sergeant, one commissary sergeant, one hospital steward, one chief musician, and one sergeant major, to be appointed by such commanding officer; the adjutant to be selected from the line, as in the United States army. The uniform of all general, regimental and staff officers shall be similar to that of corresponding grades and corps in the United States service, but may be changed in any respect or in any instance by order of the governor. The governor may with or without permanently organizing battalions or regiments order rendezvous and encampments of the several companies for instruction in military drill and duties, not to exceed six days in any year, and may fix the point at which such company shall rendezvous. Not less than four companies shall rendezvous at any one place, and the governor, in orders, shall designate the company officer to command at each camp. The governor may allow, toward the expense of subsistence of the troops during such rendezvous, a sum sufficient to provide one ration per day for each member of the companies actually attending in uniform for the time he is absent from home to attend such rendezvous, computed at the price at which rations are commuted in the United States army. Such subsistence allowance shall be paid out of the state treasury to the companies, on such vouchers and proofs as the governor may require, and on his approval. No quarters, equipage or transportation shall be provided at the expense of the state. The quartermaster general shall procure license for the troops to occupy grounds or buildings at such places of rendezvous, but without expense to the state; and the allowances of the companies may be withheld from them by the order of the governor,

Regimental officers.

Regimental staff.

Uniform of general, regimental and staff officers.

Rendezvous and encampments.

Allowance for subsistence.

Duty of quartermaster general.

and applied to the payment of any damages to grounds, buildings or property, which they or their members may cause, while in rendezous or in movement thereto.

Damages wrought by the guard.

SECTION 3. Section six hundred and twenty-one of the revised statutes is hereby so amended as to read as follows: Section 621. Every company of cavalry shall consist of the following officers, non-commissioned officers and privates, viz: One captain, one first lieutenant, one second lieutenant, one first sergeant, five sergeants, eight corporals, one saddler, one wagoner, one farrier or blacksmith, and two trumpeters, and not less than forty-three nor more than seventy-eight privates. Every other company and battery shall consist of one captain, one first lieutenant, one second lieutenant, five sergeants, eight corporals, one drummer, one fifer, one wagoner, and not less than thirty-six nor more than eighty-two privates, excepting light batteries, which shall be allowed one hundred and twenty-two active members each. The governor may, by general orders from time to time, change such provisions, however, to conform to the organization of companies and batteries in the United States army Vacancies, occasioned by the death, promotion, resignation or discharge of such officers, shall be filled by promotion of the next officer in rank, subject to the approval of the governor. No person shall be a member of two companies at the same time. Recruits may be subsequently enlisted in such manner as may be prescribed by the governor in general orders, or in the absence of such orders, by the by-laws of such company or battery.

Cavalry companies.

Batteries and other companies.

Authority of governor

Vacancies and promotions.

SECTION 4. Section six hundred and forty-five is hereby so amended as to read as follows: Section 645. The adjutant general and quartermaster general shall prepare, subject to the governor's approval, blanks and forms for muster rolls, ordinance and property returns, reports, receipts and other papers necessary to carry out the provisions of this act, with proper accompanying instructions, such as shall be necessary to the several company commanders, from time to time. The adjutant general shall preserve and cause to be recopied, when necessary, such muster rolls or other records of his office as require to be transcribed for preservation.

Duty of adjutant and quartermaster generals.

SECTION 5. Section six hundred and thirty-five is hereby amended so as to read as follows: Section 635. Each company or battery, not exceeding thirty in all,

Companies entitled to $300 each from state.

which shall upon such inspection be found to be organized, to possess at least the minimum number of members, to be well uniformed, to be equipped with the necessary arms and accoutrements for its members, to have a suitable armory, to have its arms, accoutrements and stores in good condition, and to have assembled for inspection, as provided by law, and the commanders of which shall have made all the musters and returns required, shall, upon the certificate thereof by the adjutant general, approved by the governor, be annually paid out of the state treasury three hundred dollars, on the receipts of its commander; which shall be in full compensation on the part of the state for all pay, when not called into active service, and for rent of armory, care and repair of arms and property, and for all other expenses whatsoever, except the allowance of clothing and subsistence allowance authorized by this chapter. Whenever any of the companies constituting the Wisconsin national guard shall lapse into ill condition, become lax in discipline, negligent in instruction, drill, or other duties, or its members lose interest in their organization, the governor may retire such company from such guard, and admit in place of it some other company of later organization, which shall be found to be better entitled to the benefits of this chapter, and to have complied with all the requirements thereof.

When company may be retired.

When entitled to honorable discharge.

SECTION 6. Section six hundred and thirty-eight of said chapter is hereby so amended as to read as follows: Section 638. Non-commissioned officers, musicians and privates shall be honorable discharged only upon certificates thereof signed by the company commander and indorsed by the adjutant general, with the governor's approval. Such discharge shall not be granted unless after five year's service, or for some absolute disability occurring after muster in, or unless the member discharged permanently removes his residence out of the county, or unless the governor shall order the same for other good cause.

Appropriation.

SECTION 7. There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, a sum sufficient to defray the expenses and pay the allowances authorized by this act.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 57, A.] [Published March 16, 1880.]

CHAPTER 186.

AN ACT to provide for the publication of proceedings of county boards of supervisors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be the duty of the board of supervisors in each and every county in this state to provide for the publication of a certified copy of its proceedings, in one or more newspapers published in such county, having a general circulation, said publication to be completed within sixty days after the adjournment of each and every session.

Certified copy of proceedings to be published

SECTION 2. If there be no newspaper published in such county having a general circulation, it shall be the duty of such board of supervisors to procure such publication in some newspaper published in an adjoining county, having a general circulation in the county where such proceedings are had.

Where no local paper exists.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 60, A.] [Published March 17, 1880.]

CHAPTER 187.

AN ACT relating to and amendatory of section three thousand three hundred and twenty-six of chapter one hundred and forty-three, revised statutes of 1878, entitled of liens.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand three hundred twenty-six of the revised statutes is amended by adding thereto the following sentence, viz: And the purchaser or purchasers at such sale shall be entited to a writ of assistance to obtain possession of the premises sold, in the same manner as is provided in section three thousand and twenty-five of chapter one hundred and thirty of the revised statutes.

Purchaser to receive aid in obtaining possession of premises.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 69, A.] [Published March 17, 1880.]

CHAPTER 188.

AN ACT to legalize the acts of William H. Gibson, a justice of the peace in Trempealeau county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The official acts of William H. Gibson, who was elected a justice of the peace within and for the county of Trempealeau, on the first Tuesday of April, 1878, are hereby declared to be as legal to all intents and purposes, as though the said William H. Gibson had been a citizen of the United States.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 100, A.] [Published March 16, 1880.]

CHAPTER 189.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust fund of the state to the county of Taylor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of loan

SECTION 1. To enable the county of Taylor to purchase and cancel the outstanding bonds and coupons heretofore issued by said county, the commissioners of the public lands are hereby authorized to loan a portion of the trust fund of this state, not exceeding six thousand six hundred dollars, to the said county of Taylor, in this state, and the said county is hereby authorized to borrow a sum not exceeding said amount of said commissioners, and to issue to said commissioners certificates of the indebtedness to the state so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with, after two years from the date of said loan, not less than one-tenth of the principal sum annually, until the whole is paid.

Rate of interest.

Duty of secretary of state.

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Taylor, the annual interest due the state on said loan, together with, after two years

from the date of such loan, ten per centum of the principal so loaned, and certify the same to the county clerk of said county, and the amount so certified as due, shall be levied and collected out of the taxable property of said county, and paid over to the state treasurer at the same time and in the same way, as other state taxes are collected and paid.

Total indebtedness limited.

SECTION 3. And it is further provided that the said county of Taylor shall never, while said certificates of indebtedness remain unpaid, become indebted or contract debts, for a greater amount, including debts heretofore contracted, as well as that herein authorized, than five per centum of its average taxable property, as the same shall appear from the last two assessment rolls of said county prior to the date of said certificates of indebtedness.

Manner of payment to be prescribed by commissioners of public lands.

SECTION 4. Said certificates of indebtedness shall be made payable to the commissioners of the public lands, in such form as said commissioners shall prescribe, and shall be signed by the chairman of the county board of supervisors of said county of Taylor, and countersigned by the county clerk of said county. Said certificates shall be deposited by the chairman of said county board with the state treasurer as custodian thereof, together with a list of the bonds of said county and the coupons attached which are unpaid.

Surrender of unpaid bonds and coupons.

No money shall be paid or become payable to said county of Taylor upon or for said certificates of indebtedness, and the said certificates shall have no validity or effect unless nor until the said unpaid bonds and coupons of said county shall be surrendered to said commissioners of the public lands for cancellation upon their paying to the holders of the same, on account of said county, such price or prices as may be agreed upon between the county board of supervisors of said county and the holders of any such bonds upon which surrender, and not before, the said certificates of indebtedness shall be delivered to said commissioners by said state treasurer, and become in force, all the bonds so surrendered for cancellation, with the unpaid coupons, shall be cancelled by said commissioners, who shall forthwith make and sign in duplicate a certificate of said cancellation, setting forth therein the number, amount and date of each instrument so cancelled, and of the numbers and amounts of the coupons aforesaid, one of which certificates shall be filed in the office of the secretary of state and the other in the office of the county clerk of said county.

Certificate of acceptance to be filed.

SECTION 5. Before contracting any debt hereunder, and before any of said trust funds shall be delivered in payment for said bonds of said county, said county board of supervisors shall file with the secretary of state a duly certified copy of a resolution by said county board accepting the provisions of this act and the terms and limitations herein provided.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 101. A.] [Published March 17, 1880.]

CHAPTER 190.

AN ACT in relation to a ferry across the Mississippi river, and amendatory of chapter two hundred and sixteen of the private and local laws of 1871, entitled an act to authorize Henry Gardner and Albert H. Wareham to keep and maintain a ferry across the Mississippi river at a point where the line of Crawford and Vernon counties strikes said river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of ferry.

SECTION 1. Section one of chapter two hundred and sixteen of the private and local laws of 1871, entitled an act to authorize Henry Gardner and Albert H. Wareham to keep and maintain a ferry across the Mississippi river, at a point where the line of Crawford and Vernon counties strikes said river, is hereby amended by striking out of the fourth line of said section one, the words, "for the term of ten years," where they occur in the fourth line of said section, and inserting in lieu thereof the words "until the first day of January, 1890," so that said section will read as follows: Section 1. Henry Gardner and Albert H. Wareham, their heirs, executors, administrators and assigns shall have the exclusive right and privilege, until the first day of January, 1890, of keeping and maintaining a ferry across the Mississippi river, where the county line between Crawford and Vernon strikes the said river, it being in the village of De Soto, and for one mile north and south of said point up and down said river, and from thence to Lansing, in the state of Iowa.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 11, 1880.

[No. 121, A.] [Published March 16, 1880.]

CHAPTER 191.

AN ACT to amend section three thousand three hundred and sixty-eight of chapter one hundred and forty-five of the revised statutes of 1878, in relation to appeals from justice courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand three hundred and sixty-eight of the revised statutes is hereby amended so as to read as follows: Section 3368. If either party shall feel aggrieved by the judgment rendered in such action, he may appeal within ten days to the circuit court or other court having jurisdiction of such appeal, as in other cases tried before justices of the peace; but no such appeal by a defendant shall stay proceedings on such judgment, unless the appellant shall, within said ten days, execute and file with the justice his undertaking to the plaintiff, with two or more sureties, to be approved by the justice, to the effect that the appellant will pay all costs of such appeal which may be awarded against him, and abide the order of the court therein, and pay all rent and other damages justly accruing to the plaintiff during the pendency of such appeal. Upon taking such appeal and filing such undertaking, all further proceedings in the case shall be thereby stayed, and the appellate court shall thereafter issue all needful writs and processes to carry out any judgment which may be rendered thereon in such appellate court.

Appeal not to stay proceedings.

When proceedings may be stayed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 145, A.] [Published March 16, 1880.]

CHAPTER 192.

AN ACT to amend section three thousand three hundred and thirty-one of chapter one hundred and forty-three of the revised statutes, entitled liens upon logs and timber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand three hundred and thirty-one of chapter one hundred and forty-three of the revised statutes is hereby amended by adding thereto the following: For such supplies, materials, labor or services furnished or done in the fourth lum-

Filing of claim for lien; fee for same.

ber district, the claim for lien mentioned in this section shall be filed in the office of the lumber inspector of said district; and such lumber inspector shall receive twenty-five cents for filing each such claim for lien, and for certified copies thereof the fees allowed by law for certified copies of papers to clerks of circuit courts.

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 11, 1880.

[No. 160, A.] [Published March 16, 1880.]

CHAPTER 193.

AN ACT to provide for service of process upon transportation companies, and the appointment of an attorney therefor within this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attorney for each county wherein business is done, to be appointed.

SECTION 1. Every association, company or corporation, domestic or foreign, not duly organized and incorporated under the laws of this state formed for the purpose of transportation of passengers or property either by boats, vessels, rail, stages, or other means, doing or desiring to do any business in this state, before doing any such business, shall first deposit in his office with the clerk of the circuit court of each county in the state in which they propose to do or shall do such business, a written instrument duly signed by the president and secretary thereof, and under their seal, if they shall have such officers and seal, otherwise by the principal officers thereof, and therein appoint an attorney to reside in this state, and have an office therein, specifying his place of residence and office, upon whom and where any summons, notice, pleading or process of any court of this state or in any action therein, may be served, and shall therein stipulate that any service of any such summons, notice, pleading or process upon any such attorney, or in his absence at his said office, in any action brought against it in this state, upon any cause of action arising out any business or transaction in this state, shall be accepted irrevocably as a valid service upon such association, company or corporation. Unless another attorney shall be subsequently appointed with like authority in his stead, such authority shall be continued unrevoked while any liability remains outstanding against said association, company or corporation in this state, and such an appointment shall not be revoked

until another be made, and a like written instrument of appointment deposited and filed as aforesaid. The service aforesaid may be so made by any sheriff or proper officer of this state, or any third person not a party to the action. No such association, company or corporation shall do any business within this state until they comply with the provisions of this act: *provided, however*, that nothing herein contained shall be construed as repealing or in any manner affecting the provisions of chapter one hundred and twenty of the revised statutes of 1878, entitled "of the manner of commencing civil actions."

Compliance with these provisions required.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 395, A.] [Published March 16, 1880.]

CHAPTER 194.

AN ACT relating to the appropriation of money to the state board of immigration, and amendatory of section seven of chapter one hundred and seventy-six of the laws of 1879.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven of chapter one hundred and seventy-six of the laws of 1879, is hereby amended so as to read as follows: Section 7. There shall be appropriated out of the general fund not otherwise appropriated, a sum not exceeding three thousand dollars annually, to be drawn upon the order of the governor, and to be applied exclusively in defraying the expenses incurred by said board under this act.

Appropriation, $3,000.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 390, A.] [Published March 19, 1880.]

CHAPTER 195.

AN ACT to authorize the towns of Carleton, Krok and Pierce to vote upon the question of voting aid for the construction of Kewaunee harbor, Kewaunee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The towns of Carleton, Krok and Pierce, in the county of Kewaunee, are hereby authorized and empowered to issue their bonds for the purpose of aiding the construction and improving the Kewaunee

Location of improvement.

harbor, at the place of the government survey in the town of Kewaunee, in said county of Kewaunee, to the amount of four thousand dollars, as follows: that is to say, the town of Carleton, one thousand dollars; the town of Krok, two thousand dollars; and the town of Pierce one thousand dollars; and for the purpose of carrying out said authority, the legal voters of each of said towns are hereby authorized and empowered, at the spring election to take place in the spring of 1880, to vote upon the question by ballot whether such bonds shall be issued, and if a majority of voters of any of said towns shall vote in favor of issuing them, the supervisors of that town are hereby authorized and required to issue the same for that town to the amount above specified for the town.

Amount of aid by each town.

Question to be submitted to vote of people.

Duty of town clerk.

SECTION 2. The town clerk of each of said towns is hereby required to give notice of the time and place of such election, by posting in three or more places in his town a statement that the legal voters will, at the annual town meeting, vote upon the question whether the town will issue its bonds for the purpose of aiding in the construction of a harbor in the town of Kewaunee. Said notices shall be posted in three public places, and at least five days prior to the day of the election. The form of the ballots shall be, "for harbor, yes;" or, "for harbor, no," and may be written or printed, or partly written and partly printed, and the board shall deposit them in a separate box prepared for that purpose, and shall canvass them in the same manner they canvass the ballots for town officers, and the town clerk shall keep a record of the result.

Signing of bonds.

SECTION 3. The bonds authorized to be issued by the preceding election, shall be signed by the chairman of the town board of supervisors, and countersigned by the clerk of said town so voting for the same, and shall be each for an amount of two hundred dollars, bearing interest at the rate of seven per cent. per annum, and payable at such time, not exceeding five years from date, and at such place as the supervisors of such towns respectively may determine. Said bonds shall be payable to bearer, and the interest thereon shall be payable on the first day of March in each year. The boards of supervisors of the towns issuing such bonds in accordance with the provisions of this act, may negotiate said bonds for the purpose of raising money to be applied in the construction of said harbor.

Tax levy.

SECTION 4. The town clerk of the town so issuing its bonds under the provisons of this act, shall annually

levy upon all the taxable property of said town, and apportion upon the tax roll of said town, an amount to pay one-fifth of the principal, together with the interest on said bonds as it may become due and payable each year.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 396, A.] [Published March 17, 1880.]

CHAPTER 196.

AN ACT to appropriate a sum of money therein named to pay for chaplain services in the legislature for the year 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $25 each.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, the sum of twenty-five dollars for each and every clergyman officiating as chaplain for the legislature of 1880: *provided*, this act shall not apply to any except clergymen residing in the city of Madison: *and provided*, said chaplain has performed such services one week.

Duty of chief clerks.

SECTION 2. The chief clerks of the senate and assembly shall certify to the secretary of state the names of the several clergymen who have officiated as chaplain during the session of 1880; whereupon the secretary of state shall issue his warrant in equal sums to the several individuals who have officiated as chaplain.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 353, A.] [Published March 17, 1880.]

CHAPTER 197.

AN ACT to annex certain territory in the town of Jefferson to certain school districts in said town.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory added to school district belonging to city of Jefferson.

SECTION 1. The west one-half of section number three, the west one-half of section number ten, all in township number six north, of range number fourteen east, in Jefferson county, Wisconsin, are hereby made a

part of and shall hereafter consistute a part of the school district now belonging to the city of Jefferson, Jefferson county, Wisconsin, for school purposes only, and for such purpose shall be under the management of the board of education of the city of Jefferson, in said county.

Territory added to joint school district of Aztalan and Jefferson.

SECTION 2. The south one-half of the southeast quarter of section number four, in said town and range, is hereby made a part of joint school district number four, of the towns of Aztalan and Jefferson, in said county.

Repealed.

SECTION 3. All acts or parts of acts heretofore passed inconsistent with this act are hereby repealed.

SECTION 4. This act shall be published in the Jefferson Banner, a newspaper published in the city of Jefferson, Jefferson county Wisconsin, and shall take effect from and after its passage and publication.

Approved March 11, 1880.

[No. 340, A.] [Published March 16, 1880.]

CHAPTER 198.

AN ACT relating to the killing of deer in Door county, and amendatory of section four, chapter forty, of the laws of 1879.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Amend said section four of chapter forty, as follows: Strike out all after the word "county," in the sixth line, and insert in lieu thereof the following: No person or persons shall be allowed to hunt, worry or kill any buck, doe or fawn after nightfall, by the aid of any police lantern, torch light, or any other artificial light.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 86, A.] [Published March 20, 1880.]

CHAPTER 199.

AN ACT to amend section one hundred and sixty-nine, chapter eleven of the revised statutes, entitled "of the state officers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Departments entitled postage stamps.

SECTION 1. Section one hundred and sixty-nine of the revised statutes, entitled "of the state officers," is hereby amended by inserting after the words "state

historical society," in the third and fourth lines of said section, the words "secretary of the state agricultural society," so that the said section when so amended shall read as follows: Section 169. The governor, secretary of state, state treasurer, attorney general, state superintendent, superintendent of public property, clerk of the supreme court, corresponding secretary of the state historical society, secretary of the state agricultural society, railroad commissioner, commissioner of insurance and state board of charities and reform, adjutant general, quarter-master general, and state treasury agent, are authorized to procure for the use of their respective offices the necessary amount of postage stamps or stamped envelopes for the payment of the postage of the official correspondence of their several departments. The accounts therefor shall be audited by the secretary of state upon the presentation thereof in the manner hereinbefore provided, and paid out of the state treasury.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 122, A.] [Published March 16, 1880.]

CHAPTER 200.

AN ACT to amend subdivision one of section three hundred and thirty-nine of chapter twenty of the revised statutes, entitled of public printing.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Subdivision one of section three hundred and thirty-nine is hereby amended by striking out the word "five," in the first line of said subdivision, and inserting the word "seven," so that said subdivision, when so amended, will read as follows: 1. Seven thousand copies of the transactions of the Wisconsin agricultural society, together with abstracts of the reports of the county agricultural societies, and such other matters pertaining to the industry of the state as shall be deemed important.

Seven thousand copies of annual report of Agricultural Society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 194, A.] [Published March 19, 1880.]

CHAPTER 201.

AN ACT to authorize G. W. Cate and N. N. McLeod to build a dam across, for flooding purposes, and otherwise improve, Spirit river, in Price county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. George W. Cate, N. N. McLeod, their associates and assigns, are hereby authorized to build and maintain a flooding dam across Spirit river on lot number four, in section number thirty-two, in township thirty-four north, in range three east, in Price county, Wisconsin, for the purpose of raising and holding water in said river and in Spirit lake, and using the same so as to facilitate the floating of logs down said river below said dam.

When tolls may be charged.

SECTION 2. Whenever the said George W. Cate, N. N. McLeod, their associates and assigns, shall have completed said dam and provided the same with suitable gates to control the water in said stream, and hold the same in sufficient quantities to materially assist the driving of logs on said river, and shall keep up and maintain the same, and shall so improve said river as to make driving reasonably certain, they are hereby authorized and empowered to demand, receive and collect from the owners of all logs and timber driven out of said river by the aid of said dam, as compensation for such aid and increased facilities thereby afforded to the navigation of said river with logs, the sum of five cents per thousand feet, board measure; and the said G. W. Cate, N. N. McLeod, their associates and assigns, shall have a lien on all logs and timber run out of said river by the aid of said dam, until the tolls thereon are paid, and may enforce the same under the provisions of chapter one hundred and forty-three of the revised statutes of 1878, in the same manner as the lien of laborers on logs, except that the petition may be filed at any time within six months after the logs against which such claim is filed shall be driven out of said river, and shall be prior to all other liens, except for labor.

Tolls.

Penalty for injuring or destroying dam.

SECTION 3. Any person or persons who shall wilfully break or destroy said dam, or shall injure the same, shall be liable to the proprietors aforesaid in an action of trespass, to the amount of damages done, in addition to the penalties already provided by law to be recovered before any court of competent jurisdiction.

Approved March 11, 1880.

[No. 169, A.] [Published March 19, 1880.]

CHAPTER 202.

AN ACT to authorize the city of Neenah to borrow money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of the state, not exceeding in amount the sum of ten thousand dollars, to the city of Neenah, Winnebago county, and said city is hereby authorized to borrow a sum not exceeding the above amount, of said commissioners, for the purpose of building a school house in said city, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with not less than one-tenth of the principal sum loaned, until the whole is paid. Loan authorized.

SECTION 2. The secretary of the state shall, each year, until the whole loan is paid, furnish to the county clerk of said county the amount which will be due from said city, at the time he furnishes to that office a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from such city in his apportionment of state tax for the city of Neenah. The city clerk shall enter such amount, so certified by the said county clerk, in the annual tax roll of said city. And the tax shall be collected by the city treasurer, and paid with the state tax to the county treasurer, who shall pay it to the state treasurer with the state taxes, in payment of interest and in cancellation of such certificates of indebtedness issued as aforesaid. Duty of Secretary of State. Duty of city clerk.

SECTION 3. It is further provided that the said city of Neenah, during the period for which said loan shall remain unpaid, shall not in any way increase its bonded indebtedness, or become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein referred to, than five per cent. of the taxable property, as the same shall appear from the last assessment roll. Before contracting any debt, and before any of said funds shall be delivered to said city of Neenah in exchange for said certificates of indebtedness against said city of Neenah, the common council of said city shall file with the secretary of state, an acceptance of the provisions of this act, and of the terms and limitations herein provided for, and provide Bonded indebtedness not to be increased. Acceptance to be filed.

by resolution or ordinance for the collection of a direct annual tax sufficient to pay the interest of such loan as it falls due; and also to pay and discharge the principal thereof within the time above limited, and file a certified copy of such resolution or ordinance with the secretary of state; and thereupon the sum to be loaned shall be payable to the city treasurer of the city of Neenah, upon the order of the common council of said city, authenticated by the mayor and clerk of said city.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 346, A.] [Published March 17, 1880.]

CHAPTER 203.

AN ACT to amend sections eight hundred and fifty-four and eight hundred and fifty-seven of chapter forty revised statutes of 1878, entitled of villages.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amended.

SECTION 1. Section eight hundred and fifty-four of chapter forty, revised statutes of 1878, is hereby amended by striking out the word "all," after the word "and," in the second line of said section, and by adding the following after the word "county," in the third line of said section: "Or in two adjoining counties," so that said section, when so amended, shall read as follows: Section 854. Any part of any town or towns not less than one square mile in area, and not included in any village, and lying in the same county, or in two adjoining counties, which shall contain a resident population of at least four hundred persons and not less than three hundred persons to every square mile thereof, may, upon compliance with the conditions of this chapter, become incorporated as a village by such name as shall be designated in the order of the court for its incorporation, with the ordinary powers of a municipal corporation, and such as are conferred by these statutes.

Conditions for securing village charter.

Amended.

SECTION 2. Section eight hundred and fifty-seven of chapter forty, revised statutes of 1878, is hereby amended by adding the following after the word "lies," in the third line of said section: "or a part thereof," for an order incorporating such territory as a village by a name to be therein specified; so that said section when so amended, shall read as follows: "Section

857. The intending applicants shall give notice that they will apply on some day therein specified, to the circuit court of the county in which such territory or a part thereof lies, for an order incorporating such territory as a village, by a name to be therein specified; and such notice shall describe the boundaries of such territory by courses and distances, and specify the town or towns in which it lies and state where such survey, map and census have been left and may be examined as aforesaid.

Application to be made to circuit court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 350, A.] [Published March 19, 1880.]

CHAPTER 204.

AN ACT authorizing the commissioners of public lands of the state of Wisconsin to extend the time of payment of the loan made from the school fund to school district number six, in the town of Union, Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands of the state of Wisconsin are hereby empowered and directed, by contract to be entered into between them and joint school district number six of the towns of Union and Magnolia, Rock county, Wisconsin, to extend the time of payment of the loan of ten thousand dollars made to school district number six of the town of Union, under and in pursuance of chapter nineteen of the private and local laws of the year 1870, for a period not exceeding ten years from the maturity of said loan, as originally made, and said joint school district number six is hereby authorized and empowered to enter into such contract, and when made, shall be binding upon both parties to the same.

Time for payment may be extended ten years.

SECTION 2. The commissioners of public lands shall retain the same securities which they now have for the payment of the said loan, and interest thereon, until said loan is fully paid, and the same remedies and proceedings for the collection and payment of said loan, and interest thereon, as now exist, shall remain and be in force to enforce the payment of the same as it shall mature under any contract made in pursuance of section one of this act, until said loan, and interest thereon is fully paid and discharged.

Securities, remedies and proceedings to remain unchanged.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 111, S.] [Published March 18, 1880.]

CHAPTER 205.

AN ACT to authorize A. B. McDonnell, his associates and assigns, to build and maintain a dam across and otherwise improve Pine creek, in Price county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. A. B. McDonnell, his associates and assigns, are hereby authorized to build and maintain a dam across Pine creek, in section eighteen, town forty north, range two west, and to otherwise improve said creek by clearing and removing rocks from the channel, and to keep said dam in repair, and to operate the same for the purpose of facilitating the driving and floating of logs and timber down and out of said creek.

Slides and gates

SECTION 2. The said A. B. McDonnell, his associates and assigns, shall build suitable slides and gates in said dam for the purpose of sluicing and driving saw-logs and timber through the said dam, and shall keep the same in good repair, and shall hold the water back for the purpose above named whenever the case may require.

Tolls.

SECTION 3. The said A. B. McDonnell, his associates and assigns, are hereby authorized and empowered to charge, collect, sue for and recover tolls for the use of said dam, improvements, and water collected thereby, as follows: On all logs which are put into said creek above the said dam, and are driven over, through and beyond said dam into the Flambeau river, the sum and rate of ten cents per thousand feet; and for all logs put in below said dam on said creek and driven into the Flambeau river, the sum of five cents per thousand feet. The said tolls shall be a lien upon the logs and timber chargeable with the same, which lien may be enforced in the same manner in which other liens upon logs and timber are enforced under the general laws of the state of Wisconsin, or the lien law applicable to Price and Chippewa counties.

Tolls to be a lien upon logs.

Control of dam.

SECTION 4. The control of said dam, slides, gates, and improvements, shall belong to the said A. B. Mc-

857. The intending applicants shall give notice that they will apply on some day therein specified, to the circuit court of the county in which such territory or a part thereof lies, for an order incorporating such territory as a village, by a name to be therein specified; and such notice shall describe the boundaries of such territory by courses and distances, and specify the town or towns in which it lies and state where such survey, map and census have been left and may be examined as aforesaid.

Application to be made to circuit court.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 350, A.] [Published March 19, 1880.]

CHAPTER 204.

AN ACT authorizing the commissioners of public lands of the state of Wisconsin to extend the time of payment of the loan made from the school fund to school district number six, in the town of Union, Rock county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands of the state of Wisconsin are hereby empowered and directed, by contract to be entered into between them and joint school district number six of the towns of Union and Magnolia, Rock county, Wisconsin, to extend the time of payment of the loan of ten thousand dollars made to school district number six of the town of Union, under and in pursuance of chapter nineteen of the private and local laws of the year 1870, for a period not exceeding ten years from the maturity of said loan, as originally made, and said joint school district number six is hereby authorized and empowered to enter into such contract, and when made, shall be binding upon both parties to the same.

Time for payment may be extended ten years.

SECTION 2. The commissioners of public lands shall retain the same securities which they now have for the payment of the said loan, and interest thereon, until said loan is fully paid, and the same remedies and proceedings for the collection and payment of said loan, and interest thereon, as now exist, shall remain and be in force to enforce the payment of the same as it shall mature under any contract made in pursuance of section one of this act, until said loan, and interest thereon is fully paid and discharged.

Securities, remedies and proceedings to remain unchanged.

the banks of any such stream or river in said city, or draining therein, in such manner as to entirely exclude all such noxious material above described from any portion of any such stream or river in said city, and to convey the same beyond the limits of said city by the shortest and most practicable route, to such locality as said board of public works, with the approval of said common council, may provide.

Powers of same.

SECTION 3. In the performance of the duties prescribed in this act, said board of public works, with the approval of the council, shall have power to negotiate with the owner or owners of any establishment, yard or factory, hereinbefore described, as far as may be necessary for the protection of any private or corporate property from unnecessary damage or injury in consequence of the action of said board in the discharge of said duties, and as to mutual, necessary and equitable expenditures for the same, but nothing herein shall be deemed to excuse said board from the exercise of any power or authority necessary to be exercised for the permanent preservation of the purity of the natural waters of any such stream or river, or for the extermination of any nuisance now existing therein.

Erection of pipes, pumping works, etc.

SECTION 4. In the further performance of its duties as provided in this act, said board of public works, with the approval of said council, shall have power to erect pipes, pumping works, or other apparatus or machinery, to construct reservoirs, basins, sewers, water mains and conduits, and to dredge and flush any portion of said rivers, or otherwise to abrogate any existing nuisance or cause of nuisance, with respect to any such stream or river, and to maintain and enlarge any of the works herein provided for, and for the purposes of this act said board may purchase the necessary material and cause the necessary work to be done without the intervention of a contract, whenever, and to such extent as the common council by resolution shall provide: *provided, however*, that said board of public works shall not, with or without the approval of the common council, exercise any power or authority by virtue of this act not in conformity with the purposes expressed herein.

Assessment of costs.

SECTION 5. In the apportionment of any expenditure necessary to the purposes of this act, the owners or occupants of property from which any of the deleterious matter hereinbefore described in this act shall proceed or emanate in the ordinary course of business, carried on or near any such stream or river in said city,

or which shall drain into any such stream or river, shall be assessed such equitable amount as may be agreed upon in writing between such owner or occupant and said board, for the purpose of discharging any such obnoxious matter or materials into any sewer, conduit or other receptacle for such matter or material as said board, with the approval of said council, may provide, or for the disposal of any such matter otherwise; and such amount so agreed upon shall be expended for such purpose by such owner or occupant under the direction of said board, or be paid into the city treasury for the use of said city, as said board may determine and direct; but in case of the failure of said owners or occupants to agree with said board, in any case, or if any such owner or occupant shall fail to pay such amount into the city treasury as hereinbefore provided, said expenditure shall be levied, assessed upon, and apportioned among said owners or occupants, or upon the property owned or occupied by them, in such manner as said board may determine to be equitable and just, and be levied assessed and collected in the same manner that other taxes are levied, assessed and collected for sewerage purposes, and all other expenditures required or provided by this act and for the maintenance of any work provided or permitted by this act shall be paid from the general fund of said city.

Amount of tax levy.

SECTION 6. The common council of said city is hereby authorized to levy and collect a sufficient tax, not exceeding one mill on the dollar of the assessed valuation of said city in any one year, upon all the taxable property of said city, in addition to the amount now authorized by law, to pay the expense of any work or improvement which may be ordered or undertaken, under the provisions of this act.

Time for enforcement of this act may be extended.

SECTION 7. The time hereinbefore provided in the first section of this act for the enforcement of the provisions of this act as to any factory or other establishment hereinbefore described, may be extended when both the common council and board of public works shall concur in approving such extension, but such time shall not be extended for any period greater than may be actually necessary to render the enforcement of all the provisions of this act as to said factory or other establishment practicable.

SECTION 8. All acts and parts of acts contravening the provisions of this act in so far as they conflict herewith are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 11, 1880.

[No. 181, A.] [Published March 19, 1880.]

CHAPTER 207.

AN ACT to amend section three thousand seven hundred and twenty-five of chapter one hundred and fifty-eight of the revised statutes of 1878, relating to proceedings in garnishment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

If the plaintiff recover against defendant.

SECTION 1. Section three thousand seven hundred and twenty-five of the revised statutes is hereby amended so as to read as follows: Section 3725. If the plaintiff recover against the defendant in the original action, and the answer of the garnishee, when no issue is made thereon, or the finding of the court or jury on an issue, show that the garnishee at the time of the service of the summons had property in his possession belonging to the defendant, or that he was indebted to him, the justice shall enter an order in his docket, requiring the garnishee, within ten days, to pay or deliver to the justice such property, or the amount of such indebtedness, or so much thereof as may be necessary to satisfy such judgment, with costs thereof, and the costs of the garnishee proceedings; or if it appears from such answer or finding that the garnishee is to pay or deliver to the defendant any money or property in any other manner or at any other time than immediately, and at the time of the service of the summons, the same belonging to the defendant, then the order of the justice shall be, that such payment or delivery be so made to the justice for the benefit of the plaintiff. If such garnishee shall pay such indebtedness and deliver such property as directed by such order, the costs of the garnishee shall be paid out of the money or property received by the justice, unless the garnishee upon an issue joined with him by the plaintiff shall have been held liable in a greater amount of property or indebtedness than was disclosed in his answer, in which case he shall not have costs; and all property and effects, except money, delivered to the justice, shall be by him ordered to be sold on the execution against the defendant.

Garnishee to pay within ten days.

Costs of garnishee to be paid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1880.

[No. 255, A.] [Published March 19, 1880.]

CHAPTER 208.

AN ACT to amend chapter one hundred and forty-seven of the laws of 1879, entitled an act to authorize James and William Johnson to erect, maintain and keep up a dam across Willow river, in St. Croix county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter one hundred and forty seven of the laws of 1879, is hereby amended by striking out the word and number sixteen and the word and number seventeen, where they occur in the fourth line of said section, and inserting in lieu thereof the word and number thirteen and the words and number twenty four, and by striking out the word and number twelve where they occur in the last line of said section, and inserting in lieu thereof the word and number fourteen, so that the said section, when so amended, shall read as follows: Section 1. James and William Johnson, their heirs and assigns, are hereby authorized to erect, maintain and keep up a a dam across Willow river, on either section thirteen or section twenty four, in township thirty-one north, of range sixteen west, in St. Croix county, Wisconsin: *provided*, that such dam shall not raise the water to exceed fourteen feet. Amended.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 12, 1880.

[No. 218, A.] [Published March 26, 1880.]

CHAPTER 209.

AN ACT authorizing the granting of state certificates to graduates of colleges and universities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. After any person has graduated at any incorporated college or university located in the state of Wisconsin, whose courses of study are fully and fairly equivalent to the corresponding courses of study in the state university, and, after such graduation, has successfully taught a public school in this state for sixteen school months, the superintendent of public instruction shall have authority to countersign the diploma of such teacher, after such examination as to moral character, learning and ability to teach, as to said su- State superintendent may indorse diploma.

perintendent may seem proper and reasonable, and after having ascertained that the course of study from which such person has graduated, is fully and fairly equal to the corresponding course in the state university.

Diploma to be considered a certificate to teach.

SECTION 2. Any person holding a diploma granted by any such aforesaid college or university, certifying that the person holding the same is a graduate of such college or university, shall, after his diploma has been countersigned by the state superintendent of public instruction as aforesaid, be deemed qualified to teach any of the public schools of this state, and such diploma shall be a certificate of such qualification until annulled by the superintendent of public instruction.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1880.

[No. 209, A.] [Published March 19, 1880.]

CHAPTER 210.

AN ACT to amend the charter of the city of Waupaca, in the county of Waupaca.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Powers of common council.

SECTION 1. Section one of sub-chapter five of chapter two hundred and fifty-eight of the laws of 1875, entitled an act to incorporate the city of Waupaca, approved March 5, 1875, is hereby amended so as to read as follows: The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, and to make all necessary and proper improvements within the limits of said city, as follows: Whenever ten or more freeholders residing in any one ward shall by petition represent to the common council that it is necessary and expedient to take certain lands within the ward where such petitioners reside for public uses for a purpose to be therein stated, which petition shall contain a description of the lands proposed to be taken, by metes and bounds, together with the names and residences of the owners of such lands, if the same shall be known to the petitioners; the common council shall thereupon cause personal notice in writing of such application to be given to the owner or occupant of each parcel or piece of land proposed to be taken; or if any portion of such land shall not be in the actual occupancy of any person, and

Petition of freeholders.

the owner or owners thereof shall be non-residents of said city, then such notice shall be published in the official paper for three weeks, at least once in each week.

SECTION 2. Section two of said sub-chapter five is hereby amended by inserting after the words "judge of the circuit or county court of Waupaca county," the words "or the police justice or any justice of the peace of said city." Amendment.

SECTION 3. Section three of said sub-chapter five is hereby amended by inserting the word "ten" in place of the word "thirty," where the same occurs in said section. Amendment.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1880.

[No. 176, A.] [Published March 17, 1880.]

CHAPTER 211.

AN ACT amending section one thousand nine hundred and forty of chapter eighty-nine of the revised statutes, relating to town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand nine hundred and forty of chapter eighty-nine of the revised statutes of 1878, is amended by inserting after the word "thereof," in the ninth line of said section, the words "or at some special meeting called for said purpose, of which at least ten days' notice shall be given by advertising in some newspaper published in that county, and by posting said notice in at least three of the most public places in said town or towns where said insurance companies are doing business," so that said section, when so amended, shall read as follows: Any such corporation, and any town insurance corporation, heretofore organized and now existing under any law of this state relating to town insurance corporations, may attach any adjoining town or towns as part of its territory, and in which it may hereafter do business: *provided*, the town or towns so attached, together with those already within its jurisdiction, shall not exceed fifteen towns. No town or towns shall be so attached except by a resolution adopted by a vote of two-thirds of all the shares of stock present and voting thereon at some annual meeting thereof, or at some special meeting called

Public notice of meeting.

Jurisdiction not to extend beyond fifteen towns.

for said purpose, of which at least ten days' notice shall be given by advertising in some newspaper published in that county, and by posting said notice in at least three of the most public places in said town or towns where such insurance companies are doing business, and by filing a copy of such resolution, duly certified by its secretary, in the office of the town clerk of the town in which its office is located.

SECTION 2. This act shall take effect and be in force from and after its publication.

Approved March 12, 1880.

[No. 80, A.] [Published March 20, 1880.]

CHAPTER 212.

AN ACT to amend section nine hundred and fourteen of the revised statutes, relating to taxes levied by village boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Corporation tax not to exceed one per centum.

SECTION 1. Section nine hundred and fourteen of chapter forty of the revised statutes, is hereby amended so that said section, when amended, shall read as follows: The village board shall, on or before the fifteenth day of October in each year, by resolution to be entered of record, determine the amount of corporation taxes to be levied and assessed on the taxable property in such village for the current year, which shall not exceed in any one year two per centum of the assessed valuation of such property. Before levying any tax for any specified purpose exceeding one per centum of the assessed valuation aforesaid, the village board shall, and in all other cases may, in its discretion, submit the question of levying the same to the village electors at any general or special election, by giving ten days' notice thereof prior to such election by publication in a newspaper published in the village, if any, and, if there be none, then by posting notices in three public places in said village, setting forth in such notices the object and purposes for which such taxes are to be raised, and the amount of the proposed tax. On or before the first day of November in each year, the village clerk shall deliver to the town clerk a copy of all such resolutions, certified under his hand and corporate seal. If such village be situated in two or more towns, he shall further certify how much of such tax is to be raised in each, according to the proportion established and certified to him by the board of town assessors and trustees mentioned in last preceding section.

Question of levy may be submitted to voters.

Duty of village clerk.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1880.

[No. 229, S.] [Published March 19, 1880]

CHAPTER 213.

AN ACT to appropriate to R. R. Fellows a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to R. R. Fellows, of Lyons, county of Walworth, out of any funds not otherwise appropriated, the sum of one thousand dollars, in recognition of his services in aiding in the service of the process of this state, in the performance of which duty he was wounded and crippled for life. Appropriation, $1,000.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 12, 1880.

[No. 212, A.] [Published March 19, 1880.]

CHAPTER 214.

AN ACT to authorize Halvor Annunson and John Annunson, their associates or assigns, to construct a dam across and otherwise improve Poplar river, a branch of Pine river, in Oconto county, Wisconsin, for logging purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Halvor Annunson and John Annunson, and their associates or assigns, are hereby authorized and empowered to build, construct, and maintain a dam on section thirteen, in township thirty-eight north, of range fifteen east, upon and across Poplar river (a branch of Pine river), in Oconto county, Wisconsin; and otherwise to improve said Poplar river from its mouth at Pine river, up to a point on section twenty, township thirty-eight north, of range sixteen east, at which a creek enters said Poplar river from the south, on said section twenty, and including said creek, by blasting, digging and clearing the channel of said river and creek of rocks, stones, brush, trees, logs, or other obstructions, closing sloughs, building side or rolling dams, booms, or straightening the channel thereof for the purpose of running, floating, or driving Location of dam and improvements.

logs and timber thereon, and by doing anything necessary and proper to facilitate said purpose; and to keep and maintain said dam and said other improvements in repair, and to operate and use the same for the purpose of facilitating the driving and floating all logs and timber that may be put into said creek and river, and its tributaries, down and out of said creek and said Poplar river to said Pine river.

When tolls may be charged.

SECTION 2. Whenever said Halvor Annunson and John Annunson, and their associates or assigns, shall have constructed said dam with suitable gates, sluices or slides, for the purpose of sluicing and driving logs and timber over said dam, and for floating and driving logs and timber in, down, through and out of said river, and shall have so otherwise improved said river and creek as aforesaid, (including the improvements already made therein and thereon), so that logs can be floated and driven down, through, and out of said creek and river into said Pine river with reasonable certainty, from the mouth of said creek, on the said south half of said section twenty, township thirty-eight north, of range sixteen east, the said Halvor Annunson and John Annunson, and their associates or assigns, in consideration of constructing, maintaining and repairing of said dam, and of making said other improvements, shall be, and they are hereby authorized and empowered and entitled to charge, collect and receive of the owner or owners of all logs or timber put into said creek or river, or any of its tributaries, for the purpose of being floated or driven, or run in and through, and down and out of the same, at the rate of five cents per thousand feet, board measure, as toll for all logs and timber put in said creek or river and its tributaries below the north line of township, in range seventeen east, and at the rate of fifteen cents per thousand feet, board measure, upon all logs or timber put in between the mouth of Poplar river and the east line of section twenty-two, in township thirty-eight north, of range sixteen east, and for all logs and timber put in said creek or river, or its tributaries, for the purposes aforesaid, above the east line of said section twenty-two, and the point at which the aforesaid creek or Poplar river enters Pine river in township thirty-nine north, of range seventeen east, and including all logs or timber put in as aforesaid in said creek or river below or above said dam, situated on section thirteen, township thirty-eight, range fifteen east, at the rate of twenty-five cents per

Tolls.

thousand feet, board measure. The number of feet contained in said logs and timber shall be determined by the lumber inspector of the district in which said river and dam are situated, or by mutual agreement of the parties.

SECTION 3. The tolls and charges authorized and specified in the next preceding section shall be, and remain a lien on the logs and timber which shall be put in said creek, river and tributaries aforesaid, from the time they shall be put therein until the same shall be paid, and the collection thereof and the lien therefor may be enforced by the said Halvor Annunson and and John Annunson, and their associates or assigns, in the same manner that other liens for labor and services upon logs, etc., are enforced in said lumber district, and by the laws in such cases made and provided, and for this purpose they may seize, hold, and detain said logs and timber until the aforesaid tolls and charges shall be paid. Tolls to be a lien upon logs.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 201, A.] [Published March 16, 1880.]

CHAPTER 215.

AN ACT relating to the revised statutes, and amending the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section seven hundred and ten of the revised statutes is hereby amended by adding at the end thereof, "provided that in every county, the taxable property of which shall exceed in valuation the sum of thirty million dollars, the bond of the county treasurer shall be in a sum to be fixed by the county board of supervisors, in its discretion, at its annual meeting in November prior to the commencement of the term of office of such treasurer, which sum shall not be less than the amount nor exceed twice the amount of all taxes directed by the county board to be levied and received by the treasurer during the ensuing year, with like sureties and conditions as hereinbefore required." Bond of county treasurer.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 179, A.] [Published March 18, 1880.]

CHAPTER 216.

AN ACT to amend sections two thousand four hundred and eighty-nine, two thousand four hundred and ninety, and two thousand four hundred and ninety-eight of chapter one hundred and fifteen of the revised statutes of 1878, relating to the municipal court of the city and town of Ripon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Petit jurors.

SECTION 1. Section two thousand four hundred and eighty-nine of chapter one hundred and fifteen of the revised statutes of 1878, is hereby amended so as to read as follows: Section 2489. The board of supervisors of the town of Ripon shall, on or before the last day of May in each year, select and return to the clerk of said town the names of thirty-six persons, residents of said town, qualified to serve as petit jurors of the county of Fond du Lac; and the common council of the city of Ripon shall in like manner select and return as aforesaid, the names of thirty-six persons from the residents of each ward thereof, qualified as aforesaid, as petit jurors; and the clerk of said court shall, from such lists, draw jurors when demanded, as hereinafter provided, who shall be summoned and attend in like manner as jurors in circuit courts.

Time of holding court.

SECTION 2. Section two thousand four hundred and ninety is hereby amended so as to read as follows: Section 2490. Said court shall be held at the city of Ripon, at some suitable place to be provided by said city. There shall be four general terms of said court, for which panels of petit jurors shall be drawn, when demanded by any party entitled thereto, from the lists so furnished, as follows: On the first Mondays of February, May, September and December, in each year.

Special and adjourned terms.

The judge of said court may hold special or adjourned terms thereof, as the circuit courts may now or hereafter be authorized to do, and said court shall have the same power to issue special venires from the city and town of Ripon at large, and to summon talesmen from the bystanders, or from said city and town at large, to serve upon juries therein, as the circuit court of Fond du Lac county now or may hereafter have within the county of Fond du Lac. The judge of said court shall not have power to try any cause in which he is interested, or in which he has been of counsel, but shall transmit the same for trial to the circuit court of Fond du Lac county, with his reasons therefor, which shall then try the same.

SECTION 3. Section two thousand four hundred and ninety-eight of chapter one hundred and fifteen of the revised statutes of 1878, is hereby amended so as to read as follows: Section 2498. The salary of the judge of said court shall be two hundred and fifty dollars per annum, payable quarterly by the city of Ripon. The fees of the clerk, jurors, witnesses, sheriff and other officers shall be the same as are allowed and taxed in said Fond du Lac county circuit court, and paid in the same manner. The sum of one dollar shall be paid by the plaintiff at the commencement of each suit in said court as a suit tax, to be applied toward the salary of the judge. The clerk of said court shall account quarter yearly to the city of Ripon for all jury fees and suit tax fees received by him, and at the same time pay the sum to the city treasurer of said city. Salary of judge.

Approved March 13, 1880.

[No. 150, A.] [Published March 19, 1880.]

CHAPTER 217.

AN ACT to amend chapter one hundred and twenty-seven of the laws of 1874, entitled an act to incorporate the city of Menasha.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. At the annual charter election for 1880, there shall be elected two aldermen from each ward, one for the term of one year and one for the term of two years. The ballots shall designate which alderman is voted for the term of two years, and which for the term of one year, and the aldermen elected shall hold their office for the term for which they are respectively elected, unless a vacancy shall occur by death, removal from the ward, or other disability, in which event, the person elected to fill the vacancy shall hold for the unexpired term. And at each annual election thereafter, there shall be elected one alderman from each ward, to fill the place of the alderman whose term of office then expires, and the aldermen so elected shall hold their office for the term of two years, unless a vacancy shall occur by death, removal from the ward or other disability. Election of aldermen.

SECTION 2. Section five of chapter two of said chapter one hundred and twenty-seven is hereby amended by adding at the end of said section the fol- Amendment.

lowing words: "Except as in this act otherwise provided."

Counting of votes.

SECTION 3. Section four of chapter three of said chapter one hundred and twenty-seven is hereby amended by adding to said section, at the end thereof, the following: "And when the polls of an election shall have been closed, the inspectors and clerks of election shall count all the votes cast at said election, and the number of votes for each candidate or person voted for, and when the same shall have been counted and ascertained, shall make a return thereof, duly signed, stating therein the number of votes for each person, and the office designated, and the whole number of votes cast, and shall deliver such return, together with the oaths of the inspectors and clerks, and the poll lists kept by them, to the city clerk, within three days after any election; and within six days after each and every annual municipal election, held under this act, the common council shall meet and canvass said returns and declare the result as it appears from the returns, and the city clerk shall forthwith notify, by certificate, each of the officers of his election to his respective office."

Levy of taxes.

SECTION 4. All taxes authorized to be levied by the common council of said city may be levied in the manner now provided by law, at any time between the first Monday next after the first Tuesday in April and the first day of December, annually.

Form of warrant.

SECTION 5. Section fourteen of chapter seven of said chapter one hundred and twenty-seven, is hereby amended by striking out all after the words "state taxes," in the fourteenth line of the warrant for the collection of taxes, and inserting in place of the remaining portion of said section the following: You are to retain and pay out as city treasurer, according to law, the sum of ——, and the balance of said moneys you are required to pay to said treasurer for county purposes, on or before the day above specified, by which day you are further required to make return to said treasurer of this warrant with said roll annexed, together with your doings thereon, as required by law.

Given under my hand and the corporate seal of said city this —— day of ——, 18 —.

Mayor and aldermen not to receive compensation.

SECTION 6. Section thirty-one of chapter thirteen of said chapter one hundred and twenty-seven, is hereby amended so as to read as follows: No compensation shall be paid out of the city treasury to the mayor or any alderman of said city for his services or time spent

in attending the official meetings of the council, but for all other services they may be paid such compensation as the council may allow.

SECTION 7. Every person elected to a city or ward office in said city may qualify and enter upon the duties of such office at any time within fifteen days after he shall receive the certificate of his election. Person elected may qualify.

SECTION 8. Anything contained in said chapter one hundred and twenty-seven of the laws of Wisconsin for 1874, or any act amendatory of said chapter, inconsistent or conflicting with the foregoing amendments, are hereby repealed. Repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 172, A.] [Published March 19, 1880.]

CHAPTER 218.

AN ACT to amend section fourteen of chapter one hundred and three, laws of 1879, relating to tax deeds in Price county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fourteen of chapter one hundred and three of the general laws of the state of Wisconsin for 1879, is hereby amended so as to read as follows: Section 14. All lands and real estate lying and being situated in the county of Price as hereby established, heretofore sold for taxes or which may be sold in the year 1879 for taxes, shall be subject to redemption in, and those remaining unredeemed may be advertised and deeded by, the county of Price, and tax deeds issued on such lands by Price county shall be as valid and effectual as other tax deeds. And the county clerk of Price county is hereby authorized and empowered, and it is hereby made his duty, to execute and deliver to the persons entitled thereto, under and by virtue of the laws of this state, tax deeds upon all lands unredeemed from any tax sale prior to the year 1880, made by either of the counties of Chippewa or Lincoln, and embraced within the territorial limits of Price county, upon which tax sale certificates have been heretofore issued by said counties of Chippewa and Lincoln. The said county clerk of Price county is hereby authorized, and it is hereby made his duty, to vary the phraseology of such tax deeds from the form prescribed by the statute, so as to make the recit- Redemption of lands sold for taxes. Tax deeds. Duty of county clerk.

als of the deed conform to the facts, in regard to the sale of the land and the issuing of the certificates of sale therefor, and in all other matters of recital and description necessary to be varied and changed, so as to conform to the facts in each case. And no tax deed issued by the county clerk of Price county under the provisions of this act, shall be adjudged void on account of the form thereof: *provided*, such deeds are in the form provided by law, and modified as authorized by this act, and all such deeds shall be valid and effectual to pass the title of the lands described therein to the grantee named in such tax deeds, as though said lands had remained in and such deeds had been executed by the county clerk of the county in which such land was originally situated.

Tax deeds to be valid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 144, A.] [Published March 19, 1880.]

CHAPTER 219.

AN ACT to amend section two thousand four hundred and seventy-five of chapter one hundred and fifteen of the revised statutes of 1878, entitled of the place of trial of civil actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Selection of juries.

SECTION 1. Section two thousand four hundred and seventy-five of chapter one hundred and fifteen of the revised statutes of 1878, is hereby amended so as to read as follows: Section 2475. The jurors for such county courts, in the counties of Brown, Dodge, Fond du Lac and Winnebago, shall be selected as follows: at least two weeks before each term of the county court at which cases may be tried by jury, the county judge and clerk of the circuit court shall select from the residents of the county, qualified to act as jurors in the circuit court, fifty persons to serve as jurors in said court for such terms. In case the said clerk has an action or an interest in an action for trial in said county court, then the judge of such court shall call to his assistance either the sheriff or register of deeds of said county, who with said county judge shall select the jurors; but if such jury shall not be selected at such time, it may be selected at any time before the commencement of such term. They shall make a list of the names of persons so selected, sign the same, and forthwith file such list in the office of the clerk of the

Duty of sheriff or register.

court. Such jury shall not be irregular or illegal, if persons are selected in good faith who are not qualified; but the names of such persons shall be stricken therefrom.

SECTION 2. This act shall take effect and be in force form and after its passage and publication.

Approved March 13, 1880.

[No. 94, S] [Published March 23, 1880.]

CHAPTER 220.

AN ACT providing for the disposal of redemption money remaining in the hands of county clerks more than six years.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All redemption moneys, from tax sales, which have been or which shall hereafter be paid to county clerks, shall after the expiration of six years from such payment, be paid into the county treasury, by the county clerk, and with such payment, he shall file with the county treasurer a certified statement giving the number of the certificate redeemed, the date thereof, the purchase thereof, and the amount paid on such redemption, and the legal holder of any such tax certificate so redeemed, may thereafter present the same to the county treasurer and receive from him the amount paid upon such redemption of said certificate. Redemption money to be paid into county treasury.

SECTION 2. On payment of said redemption money by the county clerk to the county treasurer, said clerk is hereby required to enter on the sales books opposite the appropriate number of certificate, the date of payment to the said county treasurer. Duty of county clerk.

SECTION 3. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 58, A.] [Published March 19, 1880.]

CHAPTER 221.

AN ACT to amend section one thousand eight hundred and sixty-three of the revised statutes, and to authorize the laying of street railways or tramways in villages and towns.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand eight hundred and sixty-three of the revised statutes is hereby amended so Consent of supervisors to laying street railways.

as to read as follows: Section 1863. Any such corporation may extend its railways to any points within any town adjoining such municipal corporation, and for such purpose may, with the written consent of a majority of the supervisors of such town, lay and operate its railway upon, across and along any highway, but not so as to obstruct the common public travel thereon. Corporations may be formed and governed in like manner for the purpose of building, maintaining, and using street railways, with rails of wood or iron, in any village or town, or to extend from any point in one village or town to, into or through any other village or town; and for running of cars propelled by animals, for the carriage of either passengers or freight; and for that purpose, with the consent of the board of trustees of any village, and with the written consent of a majority of the supervisors of any town in, into or through which such railway or tramway may extend, may lay and operate their railways or tramways upon, across or along any highway, but not so as to obstruct the common public travel thereon. In any village the consent of the board of trustees shall be given by ordinance, and upon such terms and subject to such rules and regulations and the payment of such license fees as the board may prescribe.

Village trustees

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1880.

[No. 4, A.] [Published March 19, 1880.]

CHAPTER 222.

AN ACT relating to proceedings to enforce liens on logs in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Eau Claire river excepted.

SECTION 1. In actions to enforce liens on logs cut, to be banked on the Chippewa river or any of its tributaries, except the Eau Claire river, where the logs have been marked, the officer having the writ of attachment or execution shall make his levy by indorsing on the writ of attachment or execution his certificate that by virtue of said writ of attachment or execution, he has levied on the logs described in the writ of attachment or execution, specifying the number of feet taken to satisfy the amount due the plaintiff, specifying the amount, with costs, and by filing a certified copy of

Duty of officer serving writ.

said writ of attachment or execution with his indorsement thereon in the office of the clerk of the circuit court and lumber inspector's office, where the lien is claimed: *provided*, that if the lien petition is not filed in the office of the clerk of the circuit court at Chippewa Falls, Wisconsin, then the levy shall not be complete until a copy of said writ of attachment or execution with the indorsement thereon shall have been so filed. The clerk and lumber inspector shall be entitled to fifteen cents each for their services.

Petition to be filed at Chippewa Falls.

SECTION 2. When the levy is made in the manner above specified, the officer shall be deemed to be in possession of the number of feet of said mark of logs specified in his certificate, and if a sale of said logs is made, it shall not be necessary for the officer making the sale to be in view of said logs.

Levy and sale.

SECTION 3. After the making of the levy as before specified, any person sawing, buying or using any of the mark of logs levied on before the lien claim is satisfied, shall be liable to said lien claimant or the officer levying on the logs, for the value of the logs so sawed, bought or used, or sufficient thereof to satisfy said lien claim and costs.

Liability of persons buying or using logs levied on.

SECTION 4. The person purchasing at the sheriff's sale may claim the amount by him purchased, to be taken from said mark of logs wherever the same can be found, or may recover the value thereof from any person that shall have sawed, sold or used any of said logs subsequent to the levy.

Authority of purchaser.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 31, A.] [Published March 18, 1880.]

CHAPTER 223.

AN ACT to provide for the individual liability of stockholders in banks and banking associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The stockholders, owners and part owners of any bank or banking association organized, or hereafter to be organized, under the provisions of the act entitled "An act to authorize the business of banking," approved April 19, 1852, and of the acts amendatory thereof, may file with the state treasurer of this state a declaration in writing, signed by each

Declaration may be filed with state treasurer.

and all of the stockholders, owners and part owners of said bank or banking association, and by them duly acknowledged before some officer authorized by law to take acknowledgments of deeds, consenting and agreeing to hold themselves individually responsible for all the debts, demands and liabilities of said bank or banking association.

Certificate of filing of declaration.

SECTION 2. Upon delivery of such declaration duly executed and acknowledged in manner aforesaid, to the state treasurer, said treasurer shall file and safely keep the same in his office; and upon application by any person or persons, and upon payment to him of a fee of two dollars therefor, the state treasurer shall make, certify and deliver to such person or persons a copy of said declaration; and such copy, when duly certified by the state treasurer, shall be received in evidence in all courts in this state, and shall have the same effect as the original declaration would have if produced in evidence and duly proved.

Stockholders individually liable.

SECTION 3. On and from the filing of the declaration, mentioned in the first section of this act, the stockholders, owners and part owners of said bank or banking association, who shall have executed such declaration, shall be individually liable for all the debts, demands and liabilities of said bank or banking association, as well those then existing and unpaid as those thereafter to be made, created or incurred. And in any action brought against any such bank or banking association for any debt, demand or liability of such bank or banking association, it shall be competent for the party plaintiff to join with such bank or banking association, defendant, any one, or more, or all of the stockholders, owners and part owners of such bank or banking association, whose names are attached to such declaration, and in such action to recover and have judgment and execution against the defendants, or either or any of them: *provided*, that nothing herein shall be construed to prevent any action from being maintained for any debt, demand or liability of such bank or banking association against said bank or banking association alone, or against the said stockholders, owners or part owners, or either or any of them.

In case of sale of entire stock or interest.

SECTION 4. In case of the bona fide sale and transfer of the entire stock or interest of any stockholder, owner or part owner in any bank or banking association mentioned in the first section of this act, a written memorandum of such transfer, signed and acknowl-

edged in manner aforesaid, by the vendor and purchaser of said stock or interest, may be filed with the treasurer of this state; and thereupon the individual liability of said vendor for the debts, demands and liabilities of said bank or banking association which may be created or incurred after the expiration of six months from and after the filing of said memorandum of transfer as aforesaid, shall cease; but in such case the purchaser of said stock or interest shall, from the date of such filing of transfer, become and be responsible and individually liable in the manner provided in the third section of this act, for all the debts, demands and liabilities of such bank or banking association made or incurred after the date of the filing of such transfer.

Filing of declaration not obligatory.

SECTION 5. Nothing contained in the foregoing sections of this act shall be at any time thereafter so construed as to make its provisions obligatory for any bank or banking association of this state which has not voluntarily and by its own option filed with the state treasurer of this state such declaration in writing as is described in section one of this act.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 143, A.] [Published March 20, 1880.]

CHAPTER 224.

AN ACT to repeal chapter three hundred and sixty-seven of the general laws of 1876, entitled an act to protect fish in the Baraboo river in the counties of Columbia, Sauk, Juneau, Monroe and Vernon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Chapter three hundred and sixty-seven of the general laws of 1876, entitled an act to protect fish in the Baraboo river, in the counties of Columbia, Sauk, Juneau, Monroe and Vernon, is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1880.

[No. 202, S.] [Published March 19, 1880.]

CHAPTER 225.

AN ACT to amend section twelve of chapter eighty-four of the private and local laws of 1864, entitled an act to incorporate the Black river improvement company, approved February 23, 1864.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authority for entering upon and condemning lands.

SECTION 1. Section twelve of said act is hereby amended so as to read as follows: Section 12. That said corporation shall have authority and power, and is hereby authorized and empowered, by its officers, agents and servants, or any or either of them, to enter upon any land or premises for the purpose of exploring, surveying, locating or determining when and the place where said improvements shall be made, and to enter upon, take possession of, use, occupy and enjoy any property, lands and premises along the banks of said Black river, and the lakes near the mouth of the same, and for the purpose of making the improvements hereinbefore mentioned, or any of them, and for the convenient operation of the business of said company, may improve the main east channel, so called, of the said Black river and lakes near the mouth of the same, in the counties of Clark, Jackson, Trempealeau and La Crosse, in the state of Wisconsin, by removing obstructions, breaking jams, deepening, widening and straightening the channel, closing up chutes side cuts and side channels leading from said main river or east channel, and especially to dams and close up the meandered channel at the head of the Black Snake, or western channel of said river, so called, so as to confine the waters of said river in the main or east channel, so called; and in case the owner of said property so taken and entered upon and said company cannot agree as to the value of the premises so taken or required by said company, for the purpose of acquiring such title and right, such company, or the owner of any such lands, may file a petition praying for the appointment of commissioners of appraisal by the circuit court, or the judge thereof, of the county in which the real estate described in said petition is situated, which petition must be signed and verified by the owner of such land or his attorney, or the attorney or some authorized officer of said corporation, and shall contain a description of the land sought to be acquired, the names of the parties who own and occupy said real estate, as near as may be, and if any such persons are

Location of improvements.

Owner of land may file petition.

infants, their age, as near as may be, and if any are persons of unsound mind, or unknown, these facts shall be stated, with such other facts as shall be deemed fit, which petition shall be filed in the office of the clerk of the circuit court of the county in which said real estate is situated, which shall be the commencement of a suit in said court. Upon the filing of said petition, the said court, or a judge thereof shall make an order prescribing the notice to be given of the time and place of hearing such petition, which shall state the filing of such petition, the object thereof, and shall contain a description of the lands described in the petition, and shall be addressed to the parties named in said petition, and to all persons interested in said lands, so far as known, and may be served personally or at the usual abode of said owners and parties interested, not less than five days before such hearing, or by publication in some newspaper to be designated by said court or judge, not less than ten days before the date fixed for the hearing of such petition. On presenting such petition to the court or judge, with proof of service or publication of notice as aforesaid, any person whose estate or interests are to be affected by said proceedings, may show cause against granting the prayer of the petition. If it shall appear on said hearing that any such persons are infants, idiots, or persons of unsound mind, the court or judge may, upon notice to the guardian, if they have any, and if not, without further notice, appoint a guardian *ad litem* to act for said minor, idiot or person of unsound mind in said proceeding, and require him to give proper security. The court or judge shall hear the parties interested, and may adjourn from time to time as shall be convenient, and if no sufficient cause is shown against granting the prayer of the petition, shall make an order appointing three disinterested and competent freeholders who reside in the county, or some adjoining county, where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate determined necessary to be taken or required in such county for the purposes of the company, and may fix therein the time and place for the first meeting of the commissioners. The said commissioners shall, before entering on the discharge of their duties, take and subscribe an oath that they will support the constitution of the United States and the constitution of the state of Wisconsin, and faith-

Hearing of petition.

Guardian ad litem.

Commissioners to appraise lands.

fully discharge their duties as such commissioners to the best of their ability. Whenever requested in writing by or on behalf of the company, or any person interested in any tract of land described in the petition, but not otherwise, they shall proceed to perform their duties in respect to the land mentioned in such request, and a majority of them may adjourn the proceedings, as to any particular tract of land from time to time, in their discretion. Upon such request, they shall cause notice to be given to each party interested, of the time when and place where they will meet to consider the amount of compensation to which the land owner is entitled, which notice shall be personally served on such party or his authorized agent or attorney, or guardian *ad litem*, or by leaving the same at his residence or place of business with a person of suitable age and discretion, at least six days before the time of such meeting, and to the attorney or proper agent of the company, when requested to act by any other party. If such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state known to such commissioners, such notice shall be published in a newspaper as aforesaid, for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file proof of serving such notices, or the appearance of such parties before them, either personally or by attorney, with their report, but it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to the adjournment. The commissioners shall view such of the premises described in the petition as are described in said written request, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each such tract or parcel of land taken or acquired, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after last viewing any lands so taken, make and file in the office of the circuit court of such county a report of their proceedings concerning such lands, making separate reports in relation to the lands of each distinct owner, setting forth the award made for each tract or

Duties of same

Majority of commissioners to govern.

parcel thereof, or separate estate therein, to the owner or owners thereof. Said commissioners shall be entitled to such compensation as the court may direct, which shall be paid by said company. Within thirty days after the filing of the report of the commissioners in the office of the clerk of such circuit court, any party may appeal to such circuit court from any award made by the commissioners, by filing in the office of said clerk a written notice of appeal. Upon his receiving such notice, the appeal shall be considered an action pending in court, subject to a change of the place of the trial, and appeal to the supreme court, as other actions, and shall be entered by the clerk upon the records of the court, by setting down the owner or owners of the land by which such award was made, and who are parties to the appeal as plaintiff, and the said company as defendant. Such appeal shall be tried by jury, unless a trial by jury is waived by both parties; costs shall be allowed to the successful party on such appeal, and if in favor of the plaintiff, be added to the amount of the verdict; if in favor of the defendant, be deducted therefrom, and judgment shall be rendered thereon according to the rights of the parties. The report of the commissioners shall be recorded by the clerk in whose office the same is filed in the judgment book of such court, and at any time after the making of such award the said company may pay to the owners of the land so taken, or to the clerk of said court for the use of such owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may move said court or judge, upon three days' notice, that a writ of assistance may be issued to put such company into possession of the same; and said court or judge shall, upon the corporation giving security in such additional amount as the court or judge shall require to pay any judgment which shall be recovered against it on appeal, award such writ. If such company be in possession or be but in possession of such land, pending an appeal, the owners, or parties entitled thereto, shall be entitled to receive the money paid into court on account of the award appealed from, without prejudice to the appeal taken; but if the corporation shall have appealed, such money shall only be so withdrawn, upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be

Compensation of commissioners.

Report of commissioners.

Report to be recorded.

Failure to pay award.

abated, with costs. If such corporation shall omit, for the space of sixty days, to pay the amount so awarded into court, or to pay into court the amount of any final judgment which shall be rendered upon any appeal from such award, the party interested in such award or judgment may have execution upon said judgment, without motion, or for the amount of such award upon motion. If any defect of title to or incumberance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding, or any person not a party, shall petition the said court, setting up a claim adverse to the title set out in said petition to said premises and to the money or any part of it, to be paid as compensation for the property so taken, the court shall hear and determine the rights of the parties to said money, and for that purpose may order a reference or an issue, to be tried by a jury. Either party may except to the decisions of the court, and appeal to the supreme court, in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party. When no appeal shall be taken from any award within the time provided by law, and the corporation shall have paid the amount thereof into the court, or filed a receipt therefor, duly signed by the owner, and acknowledged before an officer authorized to take the acknowledgment of deeds, in the office of the clerk of the court, or when, after the determination of such an appeal, the corporation shall have paid into court the amount of the judgment rendered thereon, or filed a receipt therefor as aforesaid, the clerk of said court shall make a minute of such payment, or of the filing of such receipt, at the foot of the record of the report of such commissioners, in the judgment book of said court; and thereupon the exclusive use of said premises and every part and parcel thereof, shall rest in such corporation, its successors and assigns, so long as used for the purposes of said company, without any other or further act, deed or conveyance; and said record, or a certified copy thereof, shall be *prima facie* evidence of such title in all courts and places.

Appeal.

Defective title.

In case such company shall not have acquired title to the lands upon which it shall have constructed its works or any part thereof, or if at any time after an attempt to acquire title by purchase, eminent domain or otherwise, it shall be found that the title thereby acquired is defective or that the proceedings to acquire

is for any cause insufficient or irregular, the corporation may proceed to acquire or perfect such title in the manner hereinbefore provided, and at any stage of such proceedings, the court in which the same may be pending, or the judge thereof, may authorize such company, if in possession, to continue in possession, and if not in possession, to take possession and use such lands during the pendency of such proceedings, and may stay all actions or proceedings against such corporation on account thereof, on its paying into court a sufficient sum, or giving such security as such court or judge may direct, to pay the compensation therefor when finally ascertained; and in every such case the party interested in such lands may institute and conduct the proceedings to a conclusion, if the corporation delays or omits to prosecute the same at its cost and expense, but no injunction to restrain the completion or operation of the said works shall be granted until such compensation has been fixed and determined. The court or the judge thereof shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this chapter, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as it deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve or be incapable of serving: *Provided*, that no action, right or right of action, which has already accrued to any person or corporation, shall be affected by the provisions of this act, and no prosecution for any offense, or the recovery of any penalty, forfeiture or damage, or the enforcement of any right now pending, shall be affected by the provisions of this act; but the same shall proceed to trial, hearing and final judgment in the same manner and to the same purpose and effect as though the statute upon which the same is or shall be founded was continued in full force, virtue and effect to the time of such trial, hearing and final judgment: *and provided further*, that this act shall not be construed as in any manner to interfere with or impair any rights which the La Crosse booming and transportation company now have.

No right or action to be affected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 250, A.] [Published March 17, 1880.]

CHAPTER 226.

AN ACT to amend chapter forty-eight of the laws of Wisconsin for the year 1875, entitled an act to authorize the parties therein named, their heirs or assigns, to build and maintain certain booms upon the river and lake St. Croix.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Three years extension.

SECTION 1. The time limited by section one of chapter forty-eight of the laws of 1875, for the completion of the boom or booms in said act authorized to be constructed, is hereby extended for the period of three years from and after the first day of January, A. D. 1880.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1880.

[No. 397, A.] [Published March 19, 1880.]

CHAPTER 227.

AN ACT to amend an act entitled an act to amend, revise and consolidate the city charter of the city of Fond du Lac.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of office of justices of the peace and constables.

SECTION 1. Title three, section twelve, of an act to revise, consolidate and amend the city charter of the city of Fond du Lac, approved March 5, 1879, is hereby amended so as to read as follows: Section 12. The terms of office of the justices of the peace and constables, to be elected under this act, shall commence on the first Monday of May next ensuing their respective elections, and shall continue two years and until their successors are elected and qualified. Every justice and constable so elected shall file the oath and bond necessary to qualify before entering upon the duties of his office, as is prescribed in the statutes at large for the justices of the peace and constables in the several towns, and the city clerk shall certify to the clerk of the circuit court immediately after the election the names of the persons elected justices of the peace, and the terms for which they were respectively elected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 13, 1880.

[No. 98, S.] [Published March 18, 1880.]

CHAPTER 228.

AN ACT to authorize the St. Paul & Chicago short-line railway company to construct a bridge over lake St. Croix.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The St. Paul & Chicago short-line railway company, its successors and assigns, are hereby authorized to construct and maintain, for railway purposes, a bridge over lake St. Croix, at or near Prescott: *provided*, that any bridge constructed under authority of this act shall not unnecessarily impair navigation, and shall be constructed according to plans approved by the secretary of war of the United States, or such engineer as he shall designate. May build bridge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 37, A.] [Published March 20, 1880.]

CHAPTER 229.

AN ACT to amend section one thousand and fourteen of the revised statutes, relating to statistics.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand and fourteen of the revised statutes is hereby amended so as to read as follows: Section 1014. Each assessor shall, when making the annual assessment for the year 1885, and for every tenth year thereafter, ascertain and enter upon a blank prepared for that purpose and furnished by the secretary of state, the name and surname in full of each deaf and dumb person, blind person, insane person and idiotic person in his assessment district, the age, color, sex, occupation, and place of birth of such persons; whether such persons are educated or not; the names in full of their parents, the number of children of such parents, and what the relation of blood, if any, existed between such parents; and the number of deaf and dumb, blind, insane and idiotic children of such parents; and return the same to the county clerk at the time of completing the assessment roll for said assessment district. The county clerk shall, on or before the first day of September, in said years, transmit the same to the secretary of state, who shall com- Duty of assessor. Duty of county clerk.

pile and tabulate such returns, and include a summary statement thereof in his annual report for said years.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 302, A.] [Published March 20, 1880.]

CHAPTER 230.

AN ACT relating to crimes and the punishment thereof, and to amend sections four thousand four hundred and ninety and four thousand four hundred and ninety-four of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for violence or attempting to escape.

SECTION 1. Section four thousand four hundred and ninety of the revised statutes is hereby amended by inserting after the word "prison," whenever it occurs in said section, the words "or house of correction of Milwaukee county," so that when so amended said section will read as follows: Section 4490. Any convict committed to the state prison or house of correction of Milwaukee county, convicted of a crime punishable by imprisonment in the state prison, under sentence for a limited time, who shall escape therefrom, or attempt by violence to escape, or assault the warden or other officer or person employed in the government or custody of said prison or house of correction of Milwaukee county, shall be punished by imprisonment in said prison or house of correction of Milwaukee county not more than ten years in addition to his former sentence, and also by solitary confinement of not more than one year, at such time or times as the court shall direct, and if said convict is under sentence of imprisonment for life, he shall be punished by solitary confinement at such time or times as the court shall direct.

Penalty for breaking prison

SECTION 2. Section four thousand four hundred and ninety-four of the revised statutes is hereby amended by inserting after the word "prison," wherever it occurs in the second and fourth lines of said section, the words, "or house of correction of Milwaukee county," so that said section, when so amended, will read as follows: Section 4494. Any person who may be in any prison in this state, under sentence of imprisonment in the state prison, or in the house of

correction of Milwaukee county, and who shall break such prison and escape, shall be punished by imprisonment in the state prison, or in the house of correction of Milwaukee county, one year in addition to the unexpired term for which he was originally sentenced.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 63, S.] [Published March 23, 1880.]

CHAPTER 231.

AN ACT relating to writs of mandamus and prohibition, and amendatory of section three thousand four hundred and fifty-two of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand for hundred and fifty-two of chapter one hundred and forty-eight of the revised statutes of 1878, entitled "of writs of mandamus and prohibition," is hereby amended as follows, viz: by adding to said section at the end thereof, the following words, to wit: In any proceeding of mandamus the board of state, district or county canvassers, in the supreme court, to compel the execution and delivery of a certificate of election to any person claiming to have been elected to the office of member of the legislature of this state, or of member of the house of representatives of the congress of the United States, or of presidential elector, by the qualified electors of this state, at any general or special election for the same provided for by law, the court may, if it is deemed necessary to promote the ends of justice, inquire into the facts of such election, irrespective of the election returns, and determine who was in fact entitled to the certificate of election to such office by the greater number of legal votes cast for the same, and the certificate issued in pursuance of such determination shall be taken as the true and only lawful certificate of election to such office, and any other certificate of election to the same office issued by the board of canvassers shall be null and void, and such issue of fact may be tried as hereinbefore provided, or according to such rules and regulations as the court may prescribe, so that said section shall read as follows: Section 3452. Issues of fact in any such proceeding instituted in the supreme court shall be tried in the circuit court in the county within which the material facts contained in the rela-

Amended.

Supreme court may go behind returns.

tion for the mandamus shall be alleged to have taken place; or in such other county as the supreme court, for cause shown, shall in its discretion order, and the circuit court before which such issue of fact is ordered to be tried, may try the same at a special as well as a general term, and shall have power to summon a jury for that purpose, when necessary, and prescribe the manner of summoning the same. And when such writ of mandamus shall be issued by any circuit court, any issue of fact therein may in like manner be tried, at a special or general term, and the court may summon a jury in like manner for the trial thereof. In any proceedings of mandamus against the board of state, district or county canvassers in the supreme court, to compel the execution and delivery of a certificate of election to any person claiming to have been elected to the office of member of the legislature of this state, or of member of the house of representatives of the congress of the United States, or of presidential elector, by the qualified electors of this state, at any general or special election for the same provided for by law, the court may, if it is deemed necessary to promote the ends of justice, inquire into the facts of such election, irrespective of the election returns, and determine who was in fact entitled to the certificate of election to such office by the greater number of legal votes cast for the same, and the certificate issued in pursuance of such determination, shall be taken as the true and only lawful certificate of election to such office, and any other certificate of election to the same office issued by the board of canvassers, shall be null and void, and such issue of fact may be tried as hereinbefore provided, or according to such rules and regulations as the court may prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 363, A.] [Published March 18, 1880.]

CHAPTER 232.

AN ACT to repeal section one thousand eight hundred and sixteen of chapter eighty-seven of the revised statutes of 1878, entitled "of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Existing causes and rights of action not affected.

SECTION 1. Section one thousand eight hundred and sixteen of chapter eighty-seven of the revised stat-

utes of 1878, entitled "of railroads," is hereby repealed: *provided, however*, that this act shall not be so construed as to affect in any wise whatever any cause or right of action which shall have accrued under said section one thousand eight hundred and sixteen prior to the passage thereof, upon which an action shall be pending at the date of the passage hereof, it being the intention of this proviso to save fully all such causes and rights of action, and that all such actions shall proceed to judgment, the same in all respects, as if this act had not been passed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 227, S.] [Published March 20, 1880.]

CHAPTER 233.

AN ACT to amend section two thousand seven hundred and thirty-one of the revised statutes of 1878, relating to proceedings by attachment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attachments on demands not yet due.

SECTION 1. Section two thousand seven hundred and thirty-one of the revised statutes of 1878 is hereby amended by adding at the end of said section as follows: "An action may be maintained and a writ of attachment issued on a demand not yet due in any cases mentioned in this section except the cases mentioned in the fifth, sixth and seventh subdivisions, and the same proceedings in the action shall be had and the same affidavit shall be required as in actions upon matured demands, except that the affidavit shall state that the debt is to become due: *provided*, that the undertaking, specified in section two thousand seven hundred and thirty-two shall be conditioned in three times the amount demanded." In case an attachment be issued before the maturity of the debt, and a traverse to such attachment is sustained, the court shall dismiss the action and shall render a judgment of costs against the plaintiff.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 117, S.] [Published March 20, 1880.]

CHAPTER 234.

AN ACT to amend section twenty of chapter five of the revised statutes of 1878, entitled of electors and general elections.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Registry of electors in towns containing villages of over 1500 inhabitants.

SECTION 1. Subdivision three of section twenty of chapter five of the revised statutes of 1878, is hereby amended so as to read as follows: Section 3. In every town containing a village, which village at said census had a population of fifteen hundred, or more, in which village separate general elections are not by law required to be held; and for the purpose of carrying out the provisions of this act, the enumeration of the inhabitants of the villages in this state shall at every such census hereafter taken, be taken separate and apart from that of the towns in which villages may be situated. And until a census shall be so taken and the population of such village determined as herein mentioned, no registry shall be held or taken in the towns not embraced within the other provisions of this section.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 172, S.] [Published March 18, 1880.]

CHAPTER 235.

AN ACT to amend section one thousand seven hundred and ninety-seven of the revised statutes, in relation to the salary of the clerk of railroad commissioner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of railroad commissioner's clerk.

SECTION 1. Section one thousand seven hundred and ninety-seven, of the revised statutes is hereby amended by striking out the words "one hundred dollars per month" where they occur in said section, and inserting in lieu thereof the words "fifteen hundred dollars per annum," so that the section shall read, when so amended, as follows: Section 1797. Such commissioner shall keep his office at the seat of government, and shall be provided with a suitable room, necessary office furniture, stationery, books and maps, the expense thereof to be paid out of the state treasury, but the total sum therefor shall not exceed eight hun-

dred dollars per year. He shall be paid out of the state treasury, in addition to his salary, three dollars per day for traveling expenses for each day actually traveled in the performance of his duties; and he may, when necessary, employ a clerk at a salary of fifteen hundred dollars per annum, to be paid in like manner. The accounts for all payments authorized by this section shall be audited only when approved by the governor. Such commissioner, and his clerk, shall have the right of passing, in the discharge of their official duties, on all railroads and railroad trains, free of charge.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 223, S.] [Published March 19, 1880.]

CHAPTER 236.

AN ACT relating to and amendatory of the charter of the city of Portage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one of chapter two of chapter one hundred and twenty-two of the laws of 1876 is hereby amended by adding the following proviso after the word "elections," where it occurs in the eleventh line of said section, viz: *Provided, however*, that the polls of all general, charter and special elections held in said city shall be open at eight o'clock A. M.

Polls to be open at eight o'clock.

SECTION 2. All acts or parts of acts, in so far as they conflict with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 161, S.] [Published March 19, 1880.]

CHAPTER 237.

AN ACT to allow the city of Waupaca to sell its public square and appropriate the money arising therefrom to the purchase of a new site and the building of a new court house; also to allow the county of Waupaca to release its lease upon the public square, or a part thereof held by its lease.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County may release its rights to public square

SECTION 1. The board of supervisors of the county of Waupaca is hereby authorized and empowered, whenever a majority of the said board deem it to be expedient, to release to the city of Waupaca in said county, all the rights and privileges the said county of Waupaca now has by reason of a certain lease given by the village of Waupaca to the said county in and to the "public square," or any part thereof, in the said city of Waupaca, now used by said county for county purposes.

City may sell public square.

SECTION 2. The city of Waupaca, in the county of Waupaca, is hereby authorized and empowered to sell and dispose of the whole or any part of the "public square" in said city, whenever the county board of supervisors of the county of Waupaca shall have given up and released to the said city of Waupaca all the claims of the said county of Waupaca in and to the said public square, or any part thereof, according to the provisions of the preceding section of this bill, and to receive and hold all money arising from the sale of said property; and to execute all necessary deeds and conveyances for the same, and to use all or such portion of the moneys arising from such sale as shall be necessary for that purpose, in the purchase of grounds and the erection of a court house and other buildings for the use and benefit of said county of Waupaca, or such other public purpose as the common council of said city may deem best.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 77, S.] [Published March 27, 1880.]

CHAPTER 238.

AN ACT to promote good order and repress crime.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Right of con-

SECTION 1. Every convict who is now or may be

hereafter confined in the state prison, and shall conduct himself in a peaceful and obedient manner, and faithfully perform all the duties required of him, shall be entitled to a diminution of time from the term of his sentence, not exceeding the amounts specified in the following table, for the respective years of his sentence, and pro rata for any part of a year, where the sentence is for more than a year:

Diminution table.

Years of Sentence.	Good Time Granted.	Total good time made.	Time to be made if full good time is made.
First year	One month...	One month	Eleven months.
Second year...	Two months..	Three months.....	One year and nine months.
Third year.....	Three months.	Six months	Two years and six months.
Fourth year ...	Four months..	Ten months	Three years and two months.
Fifth year	Five months..	One year and three months	Three years and nine months.
Sixth year.....	Six months...	One year and nine months	Four years and three months.
Seventh year ..	Six months...	Two years and three months.....	Four years and nine months.

Where the sentence exceeds seven years, for every year after the seventh, if the conduct of the prisoner continues to correspond with the requirements of this act, he shall receive the same diminution as provided for the sixth and seventh years.

Violation of rules to work forfeiture.

SECTION 2. In case any convict shall be guilty of the violation of any of the rules, laws or regulations of the prison, or shall refuse or neglect faithfully to perform all the duties required of him, and has become entitled to any diminution of his sentence, he shall forfeit from his good time earned, for the first offense, five days; for the second offense ten days; and for the third and each subsequent offense twenty days; and in addition thereto, the warden may, with the consent of the directors, cancel and deprive him of all or any part of the good time theretofore earned.

Construing of sentences.

SECTION 3. Whenever any convict has been or shall be committed under several convictions with separate sentences, they shall be construed as one continuous sentence, for the purpose of computing the good time made or forfeited under this act.

Computing time.

SECTION 4. In computing the diminution of time for convicts now in the state prison, the warden shall allow them for the past only so much good time as they may have earned under existing laws, but for the

remainder of their sentences shall allow the good time granted by the terms of this act.

Authority of warden.

SECTION 5. In addition to the allowances now provided for discharged convicts, the warden may, at his discretion and as necessity may seem to require, furnish to each convict at his discharge, transportation, or means to procure transportation to any place within this state.

Repealed.

SECTION 6. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 6, S.] [Published March 25, 1880.]

CHAPTER 239.

AN ACT for the prevention of cruelty to minors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Defining offense.

SECTION 1. Any person having the care, custody, or control of any child under the age of fourteen years, who shall exhibit, use, or employ, or who shall in any manner, or under any pretense, sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, in any place whatsoever, for any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever; or for any business, exhibition, or vocation injurious to the health or dangerous to the life or limb of such child; or who shall cause, procure, or encourage any such child to engage therein, shall be deemed guilty of a misdemeanor.

Same.

SECTION 2. That any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child under the age, and for any of the purposes, mentioned in the preceding section, shall be deemed guilty of a misdemeanor.

Penalty.

SECTION 3. That any person found guilty of violating any of the provisions of this act by any court having jurisdiction of the same, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 206, A.] [Published March 17, 1880.]

CHAPTER 240.

AN ACT to prohibit unauthorized companies and agents from transacting the business of insurance in this state, and relating to the department of insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioner of insurance may address inquiries to any insurance corporation doing business in this state, or officer, in relation to its doings or condition, or any other matter connected with its transactions, and it shall be the duty of every corporation or officer so addressed, to promptly reply in writing to such inquiries; and, whenever he shall deem it expedient so to do, or when any responsible person shall file with him written charges against any such corporation, alleging that any return or statement filed by it with such commissioner of insurance is false, or that its affairs are in an unsound condition, he shall, in person, or by some one to be appointed by him for that purpose, not an officer or agent of, or in any manner interested in, any insurance corporation doing business in this state, except as policy holders, examine into its affairs and condition: and it shall be the duty of the corporation, its officers or agents, to cause their books to be opened for inspection, and to pay all reasonable expense of, and compensation for, such examination, upon the certificate and requisition therefor of the said commissioner; which expenses, however, shall not exceed the sum of five dollars per day during the time of the examination, and five cents per mile for traveling by the most direct route in going to and coming from the place where such examination took place; but no corporation examined, shall either directly or indirectly pay, by way of gifts, gratuity or otherwise, any other or further sum to said commissioner or examiner for services, extra services, or for purposes of legislation, or on any other pretense whatever. Any commissioner, examiner, or any officer, clerk or employe of any insurance company violating the provisions of this section shall be guilty of a misdemeanor. And whenever it shall appear to the said commissioner of insurance, from the report of the person appointed by him, that the affairs of any company not incorporated by the laws of this state are in an unsound condition, he shall revoke the certificate granted in behalf of such company, and shall cause a

Authority of commissioners

May examine into affairs of companies.

notification thereof to be published in the official state paper, mail a copy thereof to each agent of the company, and the agent or agents of such company, after such notice, shall be required to discontinue the issuing of any new policy and the renewal of any previously issued. The commissioner of insurance shall in like manner and upon like conditions examine insurance corporations applying for admission to transact business in this state, and if the affairs or condition of any such corporation are not such as to fully meet the requirements of law, he shall withhold his certificate.

Revised statute to apply.

SECTION 2. All examinations of insurance corporations of this state, and of life and accident corporations, shall be made as now provided by the revised statutes.

Business to be done through authorized agent.

SECTION 3. No corporation transacting the business of fire insurance in this state, not incorporated by the laws of this state, shall write or cause to be written, any policy of insurance on property situate in this state, except by or through a duly authorized agent of such corporation licensed by the commissioner of insurance, or at the personal request or application of the person who desires to effect insurance on his own property.

Agents not to act without authority from commissioner.

SECTION 4. No officer or broker, agent or subagent of any insurance corporation of any kind, except town insurance corporations of this state, shall act or aid in any manner in transacting the business of or with such corporation, in placing risks or effecting insurance therein, without first procuring from the commissioner of insurance a certificate of authority as provided by law, nor after the period named in such certificate shall have expired. Every person violating the provisions of this section shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty nor more than five hundred dollars for each offense.

What constitutes agent.

SECTION 5. Whoever solicits insurance on behalf of any insurance corporation or property owner, or transmits an application for insurance, or a policy of insurance, other than for himself, to or from any such corporation, or who makes any contract for insurance, or collect any premium for insurance, or in any manner aids or assist in doing either, or in transacting any business of like nature for any insurance corporation, or advertises to do any such thing, shall be held to be an agent of such corporation to all intents and purposes, unless it can be shown that he receives no compensation for such services.

SECTION 6. It shall be the duty of the commissioner of insurance, when he deems the evidence sufficient, to prosecute or cause to be prosecuted, all violations of the insurance laws of the state, and for the purpose of defraying the expenses of the department of insurance and compensation of the commissioner of insurance and his clerks, there shall be paid annually to the commissioner of insurance by insurance companies organized under the laws of this state, one dollar; by life and accident insurance companies not organized under the laws of this state, one dollar; and by fire and marine insurance companies not organized under the laws of this state, two dollars — for each certificate issued by him to the agents of such companies during the year: *provided*, that the several sums aforesaid, to be paid to the said commissioner of insurance, shall be fully and accurately accounted for by him each year; the account whereof to be separately stated in the annual report of said commissioner, and whenever such sums as aforesaid to be received by him under the provisions of this section, shall exceed the sum of five thousand dollars in any one year, such excess over the sum of five thousand dollars shall be paid over to the treasurer of the state of Wisconsin and be credited to the general fund; and which sums aforesaid amounting to, or less than five thousand dollars, shall be in lieu of all compensation now allowed by law, both for salary and for all expenses of the department of insurance. It shall be the duty of the commissioner of insurance to tabulate and publish in his annual report, the statistics given in the reports of town insurance companies; also to give the name and location of each company, together with the names of its officers, and to furnish the secretary thereof with a copy of each annual report. Compensation of commissioner.

SECTION 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 195, A.] [Published March 19, 1880.]

CHAPTER 241.

AN ACT to improve the Little Elk river, in the county of Price, and to grant to Matthew Wadleigh, R. M. Mooer and A. D. Lunt, their associates and assigns, certain powers and privileges therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dams and improvements.

SECTION 1. For the purpose of improving the Little Elk river, so called, in the county of Price, in the state of Wisconsin, from its mouth to the east side of town thirty-seven north, of range two east, so as to aid and facilitate the driving, running and floating of logs and timber down said river into Little Elk lake, in section seventeen, town thirty-seven, range one east, Matthew Wadleigh, R. M. Mooer A. D. Lunt, their associates and assigns, are hereby authorized to enter in and upon said river and improve the navigation thereof by removing obstructions, deepening and widening the channel where necessary, closing chutes, sloughs and side cuts, building dykes or embankments, the erection of booms and piers and dams for the purpose aforesaid. And said parties, their associates and assigns, are hereby authorized to erect and maintain in and across said river, in section twenty-four, township thirty-seven north, of range one east, a dam, and such dams at other places as may be necessary for the purpose of flooding and creating reservoirs of water in said river for log driving purposes, and whenever and as soon as the said parties, their associates and assigns, so have improved said river as aforesaid, and erected said dam on said section twenty-four, so as to facilitate and cheapen by means thereof the floating of logs and timber on said river, and render the navigation thereof more cheap, certain and expeditions, they shall be entitled to receive and sue for and collect for the use of said improvements, and for the increased facilities of navigation thereby created, tolls as follows: Five cents per thousand feet, board measure, for and upon all logs and timber put into said river below the said dam on section twenty-four, and intended to be run out of said river, and ten cents per thousand feet board measurement, for and upon all logs and timber put into said river above the said dam and intended to be run over said dam and out of said river.

Tolls.

Tolls to be a lien upon logs.

SECTION 2. For any tolls and charges provided for under the provisions of this act which shall remain due and unpaid, the said Matthew Wadleigh, R. M

Mooer and A. D. Lunt, their associates and assigns, shall have a lien upon all such logs and timber, upon which such tolls or any part thereof, shall remain unpaid, and may enforce such lien in the same manner as other liens are enforced under the general laws of this state relating to liens upon logs or timber and lumber on account of labor performed thereon: *provided*, that no toll or charges shall be imposed for running logs on said river until the said dam on said section twenty-four is erected and furnished with suitable gates to discharge the water therefrom so as to aid and assist the navigation of said river below said dam, or unless said dam shall be kept in suitable condition to hold the waters of said river in sufficient quantities to facilitate the running of logs and timber when the natural volume of waters is insufficient for that purpose, and until said parties, their associates and assigns, shall have in good faith expended in such improvements the sum of two thousand dollars.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 15, 1880.

[No. 399, A.] [Published March 19, 1880.]

CHAPTER 242.

AN ACT to make the tenth day of June, 1880, a legal holiday.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The tenth day of June for the year 1880 is hereby declared a legal holiday. Holiday.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 398, A.] [Published March 19, 1880.]

CHAPTER 243.

AN ACT to gratify, confirm and make valid, the acts and contracts of the state timber agent therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That certain sale of logs made by John W. Bashford, as state agent, on or about August 19, 1875, to Martin Mower, and all and singular the terms of such sale, whether upon credit or otherwise, is in all Acts legalized.

respect hereby ratified, made valid and confirmed from the date of such sale. And all and every promissory note, bill, draft, cause in action, security and evidence of debt of whatever character heretofore taken by him or by the state of Wisconsin, or at any time acquired by said state in consideration of, or on account of, or in any way relating to such sale, are hereby ratified, adopted and made valid in all respects from the date of such sale, or from the date of such writing, as fully in all respects, as if the said Bashford had possessed full authority to make such sale, for cash or upon credit, as he might elect, and to take such promissory note, bill, draft, cause in action, security or evidence of debt.

SECTION 2. This act shall in no way discharge any liability heretofore existing on the part of the agent aforesaid to the state.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 394, A.] [Published March 19, 1880.]

CHAPTER 244.

AN ACT to authorize the city of Boscobel to invest its surplus bridge funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Interest to be used in repairing bridge.

SECTION 1. The mayor and common council of the city of Boscobel be, and they are hereby authorized and empowered to invest the surplus moneys arising from tolls or other income from the toll bridge, owned by said city, over the Wisconsin river, in United States bonds, said bonds with the interest to be used solely to liquidate the indebtedness of said city incurred by the building or repairing of said bridge.

Bonds held by treasurer.

SECTION 2. Said bonds shall be held by the treasurer of said city subject to the order of the mayor and common council thereof, for purposes as stated in section three of this act.

Council may sell bonds.

SECTION 3. The common council shall have full power to sell, and, through the mayor and clerk of said city to assign any and all such bonds held by the city and convert the same into cash whenever it shall be necessary to do so, to liquidate any bridge bond or other obligation of the city contracted for building or repairing said bridge or any property thereto belonging.

SECTION 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 385, A.] [Published March 19, 1880.]

CHAPTER 245.

AN ACT to amend chapter six of chapter one hundred and eighty-four of the laws of 1874, entitled an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter six of chapter one hundred and eighty-four of the laws of 1874, entitled an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, is hereby amended by adding thereto a new section at the end thereof to read as follows: Section 29. The common council of the city of Milwaukee is hereby authorized to purchase in the name of said city a tract of land in the first, third or seventh ward of said city suitable for a public park: *provided*, such purchase shall be first recommended by a majority of the aldermen of said three wards. A majority of the aldermen of said three wards may by lease in writing authorize the erection and maintenance for a term of years on said tract of land or any part thereof, by any corporation, society, or individuals, of a suitable exhibition or exposition building or buildings for the purpose of exhibiting, improving and encouraging arts, manufactures and agriculture by displaying the products thereof, and for such social, scientific, literary, musical, and other lawful conventions and meetings as may be agreed upon by said aldermen and said corporation, society or individuals by the terms of said lease. Said common council is hereby authorized and empowered, at the time of levying other city taxes for the year 1881, to levy a tax upon all taxable property, real and personal, in said first, seventh and third wards, sufficient to raise such amount as shall be necessary to make such purchase: *provided*, said tax shall not exceed two mills on the dollar of said taxable property of said wards named. At the expiration of any lease

Council may purchase certain land.

Exposition building.

Tax levy.

Public park.

so made as hereinbefore provided, said tract of land shall be improved as a public park or pleasure ground for the general resort of the public: *provided*, if before the expiration of one year from the passage of this act, and before such purchase, an undertaking or agreement shall not have been entered into by said corporation, society or individuals, for the erection and maintenance of such building or buildings, and if said tract of land shall not have been purchased as aforesaid before the expiration of one year from and after the passage and publication of this act, then and in either of such cases this section shall be inoperative and void.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 364, A.] [Published March 22, 1880.]

CHAPTER 246.

AN ACT to legalize the acts of Benjamin B. Baldwin, a justice of the peace in the county of Dane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. Benjamin B. Baldwin, of the town of Deerfield, county of Dane, and state of Wisconsin, having on April 2, 1878, been duly elected by the qualified voters of said town of Deerfield as a justice of the peace in and for said town for the term of one year, then next ensuing, and having on May 6, 1878, duly qualified as such justice, and the said Benjamin B. Baldwin having by mistake continued to act as such justice until February 24, 1880, believing that he was elected to fill the full term of two years from and after the said date of his qualification as such justice, all the official acts of the said Benjamin B. Baldwin as such justice of the peace from May 5, 1879, to February 24, 1880, are hereby legalized and made as valid to all intent and purpose, as if the said Benjamin B. Baldwin had been duly elected and qualified to fill the said office of justice of the peace in and for said town during said time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 155, S.] [Published March 16, 1880.]

CHAPTER 247.

AN ACT to correct and fix the boundaries between the county of Langlade and the county of Shawano, and to repeal such portions of sections twelve and thirteen of chapter one hundred and fourteen of the general laws of 1879, as conflict with this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section twelve of chapter one hundred and fourteen, laws of 1879, is hereby amended so as to read as follows: All of the remaining portion of the county of Oconto included in the following boundaries shall constitute and be known as the county of Langlade, commencing at a point on the township line between townships thirty and thirty-one east of the fourth principal meridian, where the north range line between ranges ten and eleven north, intersect said township line, thence east on said township line to the north range line between north ranges fourteen and fifteen east, thence north on said range line to the township line between townships forty and forty-one, thence west on said town line to the same range line, thence north on said range line to the state line between the state of Wisconsin and Michigan, thence westerly on the said state line to the range line between ranges ten and eleven east of the fourth principal meridian, thence south on said range line to the township line between townships forty and forty-one, thence east on said town line to the said range line, thence south on the same range line to the place of beginning. Boundary lines.

SECTION 2. Section thirteen of said act is hereby amended by adding thereto at the end thereof the following: And said county of Langlade shall not be required to pay any portion of the loan authorized to be made to Shawano county under the provisions of chapter five of the laws of 1879, or to pay any portion of the interest on said loan; neither shall the said county of Langlade be required to aid in the construction of any court house, jail or other public building in Shawano county. In submitting the proposition for railroad aid at any time, Shawano county shall order that the vote of Langlade county be taken as a separate and distinct proposition in and for said county of Langlade, and no tax for railroad aid, or interest on the same, shall be levied on the territory set apart as the county of Langlade, unless a majority of the voters of said county of Langlade shall vote in favor of the

Langlade not required to help pay certain loan, nor aid in constructing court house.

In case of voting railroad aid.

proposition. The county board of Shawano county shall not have power to alter the boundaries of any town in said territory known as the county of Langlade. But the three towns into which said territory was divided by the county board of Shawano county, prior to January 1, 1880, shall be and remain and be organized as heretofore provided by the county board of Shawano county. No tax shall be levied in the county of Langlade for the use of schools to exceed two mills on the dollar, until the report of the state superintendent of public instruction shall show that said county contains two hundred children of proper school age. No town tax for current expenses shall be levied in any town of the said county to exceed one mill on the dollar. Said taxes shall be based on the assessed valuation of said county for the year 1879.

School tax.

Limit of town tax.

SECTION 3. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 275, A.] [Published March 22, 1880.]

CHAPTER 248.

AN ACT to compel the owners, proprietors and occupants of dams in the counties of Iowa and La Fayette to construct and maintain fishways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Time for passage of fish.

SECTION 1. There shall be erected and maintained in each dam across any stream in the counties of Iowa and La Fayette, in this state, by the owner or occupant thereof, or by those persons using the waters thereof through the medium of any canal or race, sufficient and permanent fishways or chutes to admit the passage of fish in such stream during the months of April, May and June and the months of October and November in each year; and if the owner or occupant of any such dam, or person or persons using the water thereof through the medium of any canal or race, shall neglect or refuse for a period of sixty days to construct and maintain such fishways or chutes as aforesaid, whenever requested in writing so to do by any ten freeholders of the same county, such person or persons shall be deemed guilty of a misdemeanor, and for each and every six days that such person or persons shall so

Penalty for not erecting fishways.

neglect or refuse, he or they shall be punished by a fine not exceeding one hundred dollars, with costs, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

Unlawful to obstruct passage of fish.

SECTION 2. It shall not be lawful for any person or persons to place a weir dam, fish weir or weir net across any race, drain, or stream or river in the counties of Iowa and La Fayette, in this state, in such manner as to obstruct the free passage of fish up and down the same; and any persons violating the provisions of this act shall be liable to a penalty of not less than five nor more than fifty dollars for each such violation, and also for the payment of two dollars additional penalty for every day he shall continue to keep up such fish weir or weir net, in violation of this act, after having been duly notified by any elector of the township wherein such fish weir or weir net may be, feeling himself aggrieved thereby, to remove the same; said penalty or penalties to be recovered before any court of competent jurisdiction in the township or county where such offense shall have been committed, with costs. Municipal courts, police justices, and justices of the peace, shall have power to hear, try and determine all offenses under this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 274, A.] [Published March 22, 1880.]

CHAPTER 249.

AN ACT to amend chapter three hundred and eighteen of the private and local laws of 1855, as amended by chapter one hundred and eighty-nine of the general laws of 1865, relating to the house of correction, Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Of expenses for maintenance.

SECTION 1. Section six of said chapter three hundred and eighteen of the private and local laws of 1855, as amended by section one of said chapter one hundred and eighty-nine of the general laws of 1865, is hereby amended so as to read as follows: Section 6. The expenses of maintaining said house of correction over and above all receipts for the labor of persons confined therein, and for the support of prisoners therein, whose support is not chargeable to said county of Milwaukee, shall be audited and paid by the said

board of supervisors yearly, at its annual meeting, and shall be raised, levied and collected as part of the ordinary expenses of said county of Milwaukee; and the city of Milwaukee shall, on the first Monday of January in each and every year, pay to the county of Milwaukee the sum of one dollar and fifty cents per week per capita, for each and every person confined in the house of correction for the violation of any of the ordinances of the said city of Milwaukee during the preceding year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 249, A.] [Published March 20, 1880.]

CHAPTER 250.

AN ACT to legalize the action therein set forth of the village board of the village of Wonewoc, in the county of Juneau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

uditing and llowing bills.

SECTION 1. The action of the village board of the village of Wonewoc, in the county of Juneau, in taking charge of the poor within the corporate limits of said village for the year ending May 8, 1880, and in auditing and allowing all bills for their support and maintenance is hereby legalized.

Misapplication of license moneys.

SECTION 2. The action of the village board of the village of Wonewoc, in Juneau county, in applying the proceeds of moneys received for licenses granted for the sale of intoxicating liquors within its corporate limits for the year 1879, to the general fund of said village, is hereby declared legal and valid, and in all respects confirmed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 248, A.] [Published March 19, 1880.]

CHAPTER 251.

AN ACT authorizing justices of the peace elected in the town of Lisbon, Juneau county, to keep an office and to perform their duties in any part of the village of New Lisbon, Juneau county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May have office in village.

SECTION 1. The justices of the peace elected in the town of Lisbon, Juneau county, in this state, may

keep an office, and perform all the duties pertaining to their said office of the justice of the peace in any part of the village of New Lisbon, as fully as they now do in the said town of Lisbon in which they were respectively elected to such office.

SECTION 2. This act shall be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 244, A.] [Published March 27, 1880.]

CHAPTER 252.

AN ACT to prevent the adulteration of food and medicine and provide for analyzing the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor of the state shall appoint one of the professors of the state university of sufficient competence, knowledge, skill and experience, as state analyst, whose duty it shall be to analyze all articles of food and drink, and all drugs and liquors manufactured, sold or used within this state, when submitted to him as hereinafter provided. The term of office of such analyst shall be three years from his appointment, unless sooner removed by the appointing power, and his compensation shall not exceed two hundred dollars in addition to his annual salary as professor, and shall be paid by the board of regents of the state university, from the university fund.

Governor to point analyst.

Term of office.

SECTION 2. The state board of health and vital statistics, medical officers of health, inspectors of weights and measures, boards of supervisors of any town, boards of trustees of any village, aldermen or common council of any city in this state, or a majority of said corporate bodies, may, at the cost of their respective corporations, purchase a sample of any food, drugs or liquors offered for sale in any town, village or city in this state, in violation of sections number one, two, and four of chapter two hundred and forty-eight of laws of A. D. 1879, or if they have good reasons to suspect the same to have been sold or put up for sale contrary to the provisions of said chapter two hundred and forty-eight, may submit the same to the state analyst as hereinafter provided, and the said analyst shall, upon receiving such article duly submitted to him, forthwith analyze the same, and give a certified certificate to such person or

Who may submit articles for analysis.

officers submitting the same, wherein he shall fully specify the result of the analysis.

Seller to be notified when article is to be analyzed.

SECTION 3. Any person purchasing any article with the intention of submitting it to an analysis, shall, after the purchase shall have been made and completed, forthwith notify the seller or his agent selling the same, of his or their intention to have the same analyzed by the state analyst, and shall offer to accompany the seller or his agent with the article purchased to the town, village or city clerk of the place in which the article was bought, and shall forthwith remove the article purchased to the office of said clerk, and in the presence of the seller or his agent, if present, divide said article in two parts, each to be marked, fastened and sealed up in such a manner as its nature will permit. The said clerk shall forthwith forward one part to the state analyst by mail, express or otherwise, as he shall elect, and shall retain the other part or package subject to the order of any court, in which proceedings shall thereafter be taken. The certificate of the state analyst shall be held in all the courts of this state as prima facie evidence of the properties of the articles analyzed by him.

Penalty for refusing to sell.

SECTION 4. If any person applying to purchase any article of food, drug or liquor exposed for sale or on sale by retail on any premises in any town, village or city in this state, and shall tender the price of the quantity which he shall want for the purpose of analyzing, not being more than shall be reasonably required, and the person exposing the same for sale shall refuse to sell the same, such person so refusing to sell shall be liable to a penalty not exceeding fifty dollars.

State analyst to report.

SECTION 5. The state analyst shall report to the state board of health and vital statistics the number of all the articles analyzed, and shall specify the results thereof to said board annually, with full statement of all the articles analyzed and by whom submitted.

Authority of state board of health.

SECTION 6. The state board of health and vital statistics may submit to the state analyst any samples of food, drugs or drink for analysis as hereinbefore provided.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 280, A.] [Published March 20, 1880.]

CHAPTER 253.

AN ACT to regulate the service of process in garnishee proceedings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases when a summons or notice is required to be served upon any person or corporation, to summon, notify or charge such person or corporation, as garnishee in any action pending before a justice of the peace, a copy of such summons or notice shall be served on the defendant within the time that such summons or notice is required to be served on such garnishee. If such defendant cannot be found within the jurisdiction of such justice of the peace, and shall have a known agent or attorney residing therein, the summons or notice shall be served on such agent or attorney, or upon some member of the defendant's family. Service of notice on defendant, his agent or attorney.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 314, A.] [Published March 20, 1880.]

CHAPTER 254.

AN ACT to amend chapter sixty-seven of the laws of Wisconsin for 1879, relating to justices of the peace in the city of Watertown, and amendatory of an act entitled an act to incorporate the city of Watertown and the several acts amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. On the first Tuesday of April next and biennially thereafter, there shall be elected by the qualified voters of the fifth ward of said city of Watertown, one justice of the peace for two years. Justice of the peace in fifth ward.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 15, 1880.

[No. 286, A.] [Published March 20, 1880.]

CHAPTER 255.

AN ACT to authorize Abel Neff to build a dam on Prairie river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. Abel Neff and assigns are hereby authorized and empowered to erect, keep up and maintain a dam across Prairie river, in Lincoln county, at the following point: On the west half of section fourteen, town thirty-three, range eight, for hydraulic purposes; said dam shall be constructed with a suitable slide or chute, eight feet in width, to run logs or timber over said dam.

Overflowed lands.

SECTION 2. Said dam may be of sufficient height for the purpose for which it is to be used: *provided*, nothing in this act shall be so construed as to authorize Abel Neff, his heirs and assigns, to flow any lands of the state or individuals, other than those named herein, without making compensation therefor. Said Abel Neff and assigns shall at all times keep said dam and slide or chute in repair, and keep the same open when said Prairie river is being used for log driving purposes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 345, A.] [Published March 20, 1880.]

CHAPTER 256.

AN ACT relating to attachments, and amendatory of section two thousand seven hundred and thirty-one of the revised statutes of 1878, entitled of attachment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Action on official bond.

SECTION 1. Subdivision seven of section two thousand seven hundred and thirty-one of the revised statutes is hereby amended so as to read as follows: That the action is brought against a defendant as principal upon an official bond to recover money due the state, or to some county or other municipality therein, or that the action is brought against a defendant as principal upon a bond or other instrument given as evidence of indebtedness, for or to secure the payment of money embezzled or misappropriated by such defendant whilst acting as an officer of the state, or of any county or municipality therein.

SECTION 2. This act shall take effect from and after its passage and publication.

Approved March 15, 1880.

[No. 250, S.] [Published March 20, 1880.]

CHAPTER 257.

AN ACT to amend section one hundred and twenty-nine of chapter eleven of the revised statutes, entitled of the state officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-nine of chapter eleven of the revised statutes of 1878, is hereby amended by adding thereto the following: He may appoint an executive clerk and fix his compensation, which shall be paid out of the state treasury. Executive clerk.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 94, S.] [Published March 15, 1880.]

CHAPTER 258.

AN ACT to appropriate to the northern hospital for the insane certain sums of money for current expenses and special purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to the northern hospital for the insane, out of any money in the general fund not otherwise appropriated, the following sums for the purposes specified, viz.: For the current expenses of the hospital to January, 1881, fifty-five thousand two hundred and eighteen dollars; for procuring a new water supply from Lake Winnebago, fifteen thousand dollars; for new pipe and hose as protection against fire, thirteen hundred dollars; for weigh scales, eight hundred dollars; for enlarging dry-room, five hundred dollars; for storm windows, nine hundred dollars; for boarding house, fifteen hundred dollars; and all sums appropriated shall be drawn from the treasury, under the provisions of section one hundred and seventy-two of the revised statutes. Appropriation $75,218.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 92, S.] [Published March 15, 1880.]

CHAPTER 259.

AN ACT to appropriate to the Wisconsin state hospital for the insane certain sums of money to defray current expenses, and for special purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $151,900.

SECTION 1. There is hereby appropriated to the Wisconsin state hospital for the insane, out of any money in the general fund not otherwise appropriated, the following sums of money for the purposes specified, viz.: To pay current expenses to January 1, 1881, one hundred fourteen thousand five hundred dollars; for closets and bath rooms in wards, one thousand dollars; for covering steam pipes, fifteen hundred dollars; for new floors, fifteen hundred dollars; for new wash basins and sinks, nine hundred dollars; for medical library, five hundred dollars; for changing steam pipes and new radiators under west wing, two thousand dollars. All moneys appropriated under this section shall be drawn from the treasury under the provisions of section one hundred and seventy-two of the revised statutes, and shall be used only for the purposes for which they are appropriated.

Special appropriation.

SECTION 2. There is also appropriated, out of any money in the general fund not otherwise appropriated, the sum of thirty thousand five hundred and eleven dollars, to pay the indebtedness of the institution, created by the enlargement, furnishing for and support of the patients provided for, heretofore contracted without express authority of law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 83, S.] [Published March 18, 1880.]

CHAPTER 260.

AN ACT to amend section one thousand eight hundred and thirty-three of chapter eighty-seven of the revised statutes of 1878, entitled "of railroads."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Consolidation of lines.

SECTION 1. Section one thousand eight hundred and thirty-three of chapter eighty-seven of the revised statutes of 1878, entitled "of railroads," is hereby amended so as to read as follows: Section 1833.

Any railroad corporation may consolidate its stock, franchises and property with any other railroad corporation, whether within or without the state, when their respective railroads can be lawfully connected and operated together, to constitute one continuous main line, with or without branches, upon such terms as may be agreed upon, and become one corporation, by any name selected, which within this state shall possess all the powers, franchises and immunities, including the right of further consolidation with other corporations under this section, and be subject to all the liabilities and restrictions of this chapter, and such in addition, including land grants and exemptions of land from taxation, as such corporations peculiarly possessed, or were subject to at the time of consolidation or amalgamation, by the laws then in force applicable to them or either of them. Articles stating the terms of consolidation shall be approved by each corporation by a vote of the stockholders owning a majority of the stock in person or by proxy, at either a regular annual meeting thereof, or a special meeting called for that purpose in the manner prescribed in section one thousand eight hundred and twenty-six or by the consent in writing of such stockholders annexed to such articles; and a copy thereof with a copy of the records of such approval or such consent, and accompanied by lists of their stockholders and the number of shares held by each duly certified by the respective presidents and secretaries, with the respective corporate seals affixed, of such corporations, shall be filed for record in the office of the secretary of state, before any such consolidation shall have any validity or effect. Any railroad corporation whose line is wholly within this state, may lease or purchase the railroad, franchises, immunities and all other property and appurtenances thereof, of any other railroad corporation when their respective railroads can be lawfully connected and operated together to constitute one continuous main line, with or without branches. But no railroad corporation shall consolidate with or lease or purchase or in any way become owner of or control any other railroad corporation, or any stock, franchises, rights or property thereof which owns or controls a parallel or competing line, to be determined by a jury.

Purchase of franchises.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 145, S.] [Published March 27, 1880.]

CHAPTER 261.

AN ACT in relation to the swamp lands in the counties of Marathon, Clark, Shawano, in the county of Oconto south of the south line of township thirty-one, and in the county of Chippewa south of the south line of township thirty-four.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Boundaries within which lands are ceded by state.

SECTION 1. All the swamp lands to which the state has title, by virtue of patents issued to it, dated prior to January 1, 1880, hitherto set apart as drainage lands, situated in the counties of Marathon, Clark and Shawano, and in the county of Oconto south of the south line of township thirty-one, and in the county of Chippewa south of the south line of township thirty-four, except such lands as may be required for the construction of reservoirs, upon the head waters of the St. Croix, Chippewa and Wisconsin rivers, to be constructed hereafter under any act of congress as shown by the report of Charles J. Allen, engineer in charge, to the war department of the United States, dated January 15, 1880, and which swamp lands were acquired under the provisions of the act of congress, approved September 28, 1850, entitled "an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," and the acts of congress, in addition thereto or amendatory thereof, now remaining unsold, patented to the state prior to January 1, 1880, are hereby granted and disposed of to said counties, hereby granting and disposing of to each of said counties all the said lands that lie therein respectively, with power to each of said counties to sell, dispose of and convey said lands, or any part thereof, to any railroad corporation whose railroad is proposed to be constructed within either of said counties, from the city of Chippewa Falls, through said counties, upon such terms and for such prices as to either of said counties shall seem meet, and to apply the proceeds of all such lands, whether from sale or direct appropriation in kind, exclusively to the purpose of reclaiming said lands by means of levees and drains, as mentioned in said act of congress. The commissioners of the public lands are hereby authorized and required to make, execute, acknowledge and deliver all patents necessary to vest in each of said counties all of the said swamp lands hereby granted and disposed of to them respectively; but this act shall not authorize the conveyance or disposal of any lands hitherto set apart for normal schools, or for

Duty of commissioner of public lands.

the income of the normal school fund. Either of said counties may dispose of and convey such lands to any such railroad corporation upon its construction and equipment of a railroad through said county, and not before; and may contract to so convey said lands upon such construction and equipment being made: *provided further*, that no lands shall be granted or disposed of by virtue of this act, patented to the state after January 1, 1880. But no portion of this bill shall be construed so as to apply to any part of Langlade county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 46, S.] [Published March 29, 1880.]

CHAPTER 262.

AN ACT relating to the payment of fees upon settlement of estates of deceased persons in the county of Milwaukee, and amendatory of section two thousand four hundred and eighty-three of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

The giving of bond and returning inventory, or the reverse, not to affect payment required to county treasurer.

SECTION 1. The sums mentioned in section two thousand four hundred and eighty-three of the revised statutes of 1878, as payable to the county treasurer for the use of the county on settlement of estates shall be paid as well when the executor, being residuary legatee, gives bonds for the payment of all debts and legacies under the provisions of section three thousand eight hundred and twenty-one of the same statutes and returns no inventory, as when an inventory is returned, and such payment shall be made before the approval of any such bond; and where, in such case, no inventory is returned, the county judge shall ascertain the amount of the estate at the time of or before the approval of the bond tendered by any such executor being residuary legatee. The amount of the estate shall in such cases be ascertained by the county judge from an examination under oath of such residuary legatee, and such other evidence as the county judge may deem proper, which testimony and examination shall all be in and reduced to writing, and filed in court with the record of the case. And an inventory shall be made and filed, in all cases, unless the executor gives the bond provided for in section three thousand seven hundred and ninety-five of the revised

statutes of 1878, whether the will dispenses with the giving of a bond or not.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 181, S.] [Published March 20, 1880.]

CHAPTER 263.

AN ACT to amend chapter two hundred and thirty-one of the laws of 1876, entitled an act to amend and re-enact as amended chapter three hundred and thirty-three of the laws of 1875, entitled an act to amend chapter sixteen of the private and local laws of 1872, entitled an act to incorporate the city of Eau Claire, so as to authorize the construction of water works by and for said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Establishing water-works.

SECTION 1. Section one of chapter two hundred and thirty-one of the laws of 1876 is hereby amended by adding thereto the following: And said city may by contract or ordinance, grant to any persons, company or corporation, the full right and privilege, and empower and authorize such persons, company or corporation, to build for themselves and own such water works, to maintain, operate and regulate the same; and in so doing to use the dam and other necessary works herein authorized, so as to supply the said city and the inhabitants thereof with water for such price, in such manner, and subject to such limitations as may be fixed in such contract or ordinance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 270, S.] [Published March 27, 1880.]

CHAPTER 264.

AN ACT to provide for a state tax for the year A. D. 1880.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Tax levy $453,000.

SECTION 1. There shall be and there is hereby directed to be levied upon the taxable property of the state a tax for the year of our Lord one thousand eight hundred and eighty, of four hundred and fifty three thousand dollars, in addition to all other taxes and special charges authorized to be levied by existing laws

Said state tax shall be apportioned and certified by the secretary of state to the several counties, and by the county clerks of the several counties to the several towns, cities and incorporated villages in their respective counties, and shall be collected and paid over according to existing laws.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 125, S.] [Published March 29, 1880.]

CHAPTER 265.

AN ACT relating to offenses against the lives and persons of individuals, and amendatory of section four thousand three hundred and eighty-nine, chapter one hundred and eighty-one, revised statutes, 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand three hundred and eighty-nine of chapter one hundred and eighty-one of the revised statutes of 1878 is hereby amended by inserting after the word "boys" in the fourth line of said section the words "or girls," so that said section will read, when so amended, as follows: Section 4389. Any officer or other person in charge of or employed in any hospital for the insane, poor house, state prison, jail, institute for the education of the deaf and dumb or blind, house of correction, industrial school for boys or girls, or orphan asylum, who shall abuse, neglect or ill-treat any person confined therein, or an inmate thereof, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding two hundred dollars.

Amended.

Penalty for treating inmates.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 83, S.] [Published February 29, 1880.]

CHAPTER 266.

AN ACT to repeal sections five hundred and ninety-two and five hundred and ninety-four of revised statutes of 1878, relating to public charities, and to amend section five hundred and ninety-three, revised statutes, 1878, and to prescribe the procedure for committing persons to the insane hospitals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section five hundred and ninety-three of the revised statutes of 1878 is hereby amended so as

Procedure in securing confinement of insane.

to read as follows: Whenever any resident of this state shall be or be supposed to be insane, application may be made in his behalf, by any respectable citizen, to the judge of the county court, in and for the county in which he resides, for a judicial inquiry as to his mental condition, and for an order of commitment to some hospital or asylum for the insane. The application shall be in writing, and shall specify whether or not a trial by jury is desired by the applicant. On the receipt of said petition, the judge to whom it is addressed shall appoint two disinterested physicians of good repute for medical skill and moral integrity, to visit and examine the person alleged to be insane, and such physicians shall proceed without unnecessary delay to the residence of the person supposed to be insane, and shall by personal examination and inquiry satisfy themselves fully as to his condition, and report the result of their examination to the court or judge. Such report shall be substantially as follows:

Examination by physicians.

Style of report.

1. What is the age of the patient?
2. Where was the patient born?
3. Present place of residence?
4. Married, single or widowed?
5. If children, how many and the age of the youngest?
6. What has been the occupation of the patient and the reputed pecuniary circumstances?
7. When were the first symptoms of the disease manifested, and what were they?
8. Is this the first attack? If not, when did others occur, and what was their duration?
9. What is the cause of this attack?
10. Is the disease increasing or stationary?
11. Are there rational intervals? If so, how often, and what is their duration?
12. Have any changes occurred in the condition of body or mind since the attack?
13. On what subject, or in what way is derangement now manifested? Are there any permanent hallucinations?
14. Has the patient shown any disposition to injure others? And if so, was it from sudden passion or premeditation?
15. Has suicide or homicide ever been attempted? If so, in what way? Is the propensity now active?
16. Has the patient any disposition to destroy clothing or other property?
17. Is there any disposition to filthy habits?

18. What treatment was pursued for the relief of the patient? Mention particulars and effects.

19. What is the present physical condition?

20. Has restraint or confinement ever been employed? If so, what and how long?

21. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; any predominant passions, religious impressions, etc.?

22. Was the patient ever addicted to the intemperate use of intoxicating drinks, opium or tobacco, or any improper habits?

23. Has the patient ever had any injury on the head, paralysis, epileptic or other fits; any hereditary disease, suppressed eruptions, discharges or sores?

24. What relatives, including grandparents and cousins, have been insane?

25. Were the parents blood relations?

26. To whom and where should letters be addressed in case of death, need of clothing, etc.?

27. State any other matter supposed to have a bearing on the case. If epileptic, state duration and frequency of paroxysm.

Said physicians shall be entitled to a fee of three dollars each, and ten cents a mile for each mile necessarily traveled in complying with said order. Upon the receipt of the report of the examining physicians, the judge may, if no demand has been made for a jury, make and enter his order of commitment to the hospital or asylum of the district to which the county belongs, or if not fully satisfied, he may make such additional investigation of the case as may seem to him to be necessary and proper, and at any stage of the examination, the person alleged to be insane, or any relative or friend acting in his behalf, shall have the right to demand that the question of sanity be tried by a jury, and when such demand is made, the county judge shall forthwith enter an order for a jury trial. In case a trial by jury is demanded, the forms of procedure shall be the same as in trials by jury in justices' courts, and the trial shall be in the presence of the person supposed to be insane and his counsel and immediate friends and the medical witnesses. All other persons shall be excluded by the court on motion of either party. The person supposed to be insane shall have the right to be assisted by counsel, and may challenge jurors as in civil cases, and the court may, for good cause, continue the case

Physicians' fee.

Case may be submitted to jury.

from time to time. The same fees shall be allowed to witnesses and jurors as is allowed in trials in justice court, and shall be paid by the county within which the proceedings are had. For the purposes of this act the county court shall be always open. The jury, after hearing the evidence, shall render their verdict in writing, signed by them, which verdict may be in the following form:

Style of verdict.

STATE OF WISCONSIN, } ss.
County of ——.

We, the undersigned jurors in the the case of —— ——, having heard the evidence in the case, are satisfied that the said —— —— is a fit person to be sent to a hospital or asylum for the insane. If the jury find that the supposed insane person is sane, they shall simply so state by their verdict. In case the jury find by their verdict that the supposed insane person is sane, the court shall forthwith enter an order for the discharge of such person. The verdict of said jury shall be recorded at length, together with an abstract of all such proceedings, in a book to be kept for that purpose by the county judge. The costs of the proceedings herein provided for shall be paid in like manner, as provided by law, in criminal trials in justices' court. The court shall transmit to the hospital or asylum, to which any person is so committed, the certificate or finding of the physicians provided for in this act.

Repealed.

SECTION 2. Sections five hundred and ninety-two and five hundred and ninety-four of the revised statutes of 1878, and all acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 81, S.] [Published March 29, 1880.]

CHAPTER 267.

AN ACT to amend section four thousand three hundred and ninety-five of the revised statutes of 1878, entitled of offenses against the lives and persons of individuals.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Hole, made by removing ice, to be guarded.

SECTION 1. Section four thousand three hundred and ninety-five of the revised statutes of 1878, is hereby amended by striking out all after the word "removal," where it occurs in the third line of said sec-

tion, and before the word "shall," where it accurs in the fifth line of said section, and insert in lieu thereof the following: "a fence, by setting posts of not less than two by four inches in size, and with a fence board thoroughly nailed thereto, not less than three and one-half feet above the surface of the ice on said stream, pond or lake," so that said section, when amended, shall read as follows: Section 4395. Any person who shall remove ice, or cause its removal from any stream, pond or lake, and shall neglect to place around the margin of the opening made by such removal, a fence, by setting posts of not less than two by four inches in size, and with a fence board thoroughly nailed thereto, not less than three and one half feet above the surface of the ice on said stream, pond or lake, shall be punished by imprisonment in the county jail not more than six months, or by a fine not exceeding one hundred dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 58, S.] [Published March 27, 1880.]

CHAPTER 268.

AN ACT relative to assessments for water pipes in the city of Milwaukee, and amendatory of sections fifteen, sixteen and seventeen of chapter ten of chapter one hundred and eighty-four of the laws of 1874.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifteen of chapter ten of chapter one hundred and eighty-four of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof," is hereby amended so as to read as follows: Section 15. The board of public works of the city of Milwaukee, before laying water pipes along a street, alley, or other line in said city, shall assess against the several lots, parts of lots, or parcels of land which may front or abut on the proposed line of water pipe, or which may be contiguous to and used in connection with any lot or parcel of land so fronting and abutting, the amounts provided for in the following two sections: *provided*, that no lot or parcel of land, or part thereof, shall be subjected to the payment of more than one assessment for water pipe laid in the same street or alley.

Assessment for water pipes.

Assessment regulated.

SECTION 2. Section sixteen of said chapter ten of said chapter one hundred and eighty-four of the laws of 1874, is hereby amended so as to read as follows: Section 16. A regular lot which may front or abut on a line of water pipe, the same not being a corner lot nor abutting on more than one line of pipe, shall be assessed eighty cents per front foot. Every irregular lot, part of lot or other parcel of land fronting or abutting on such line of water pipe, and likewise any parcel of land or lot, which shall be contiguous to any parcel of land, lot or part of lot so fronting or abutting, and which in the judgment of said board is, or may be, most advantageously used in connection therewith, shall be assessed for such water pipe the amount which, in the judgment of said board, shall be in just proportion to the amount assessed for regular lots, as compared with the special benefits derived by each from the laying of such water pipe.

Rates of assessment.

SECTION 3. Section seventeen of said chapter ten of said chapter one hundred and eighty-four of the laws of 1874 is hereby amended so as to read as follows: Section 17. Corner lots and parts of lots, and lots and parts of lots fronting on more than one line of water pipe shall be assessed eighty cents per front foot for each line of pipe, subject to the following deductions: In the case of a lot or part of lot constituting the actual corner, one-third of the aggregate frontage shall be deducted. Such deduction shall be made in the assessment for the longer front if the fronts are of unequal length. If the fronts are of equal length, the deduction shall be made in the assessment for the pipe last laid. In the case of a lot or part of lot not constituting a corner, but fronting on more than one line of water pipe, there shall be a deduction of one-half in the assessment for the pipe last laid.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 60, S.] [Published March 25, 1880.]

CHAPTER 269.

AN ACT to provide for the inspection of illuminating oils manufactured from petroleum or coal oils and to regulate the sale thereof, and to repeal section four thousand three hundred and fifty-nine of chapter one hundred and eighty-one, revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor and senate to appoint supervisor.

SECTION 1. The governor of this state shall, by and with the advice and consent of the senate, appoint a suitable person, who shall be a resident of this state and not pecuniarily interested, either directly or indirectly, in the manufacture, refining, sale or vending of illuminating oils from petroleum or other sources or material, who shall perform the duties of state supervisor of inspectors of illuminating oils as hereinafter provided. The state supervisor so appointed shall hold his office for a term of two years, from the first day of April in the year of his appointment and until his successor shall have been duly appointed and qualified, unless sooner removed from office by the governor; and in case of vacancy in this office from any cause, the governor shall fill the vacancy for the balance of the term.

Duty of supervisor.

SECTION 2. It shall be the duty of the said supervisor faithfully to supervise all inspectors of illuminating oils in this state, instruct them in performing the duties of their office, keep a record of the local inspectors reports to him. He shall prepare or cause to be prepared suitable and uniform designs for brands or stencil plates, to be used under the provisions of this act, and he may furnish such brands or stencil plates to all inspectors of oils at their proper cost and expense.

Duty of inspectors.

Every inspector of illuminating oils appointed as hereinafter provided shall, on the first day of each month, report to the state supervisor of inspectors a full statement of the number of barrels of oil inspected, the results of such inspection, and an account of the actual receipts of his office, and he shall at the same time mit the sum of two cents for each barrel of oil he has tested during the preceding month, which payment shall be the salary of the supervisor of inspectors of illuminating oils, and no other allowance shall be made for the expenses of his office. Every inspector shall faithfully comply with all instructions issued by the supervisors of inspectors of illuminating oils, and shall furnish to him full information regarding

any accident or explosion that may come to his knowledge from the use of illuminating oils, and the said supervisor shall report to the governor annually, in October of each year.

Appointment of inspectors.

SECTION 3. The state supervisor of inspectors of illuminating oils shall appoint, in accordance with the provisions of this act, inspectors of illuminating oils, who shall examine and test all illuminating oils offered for sale or for use in this state, by any person whatsoever, and shall demand and receive all fees in payment for such examining and testing, and who shall be liable to all the penalties hereinafter provided for any neglect or for any willful misconduct or malfeasance in the discharge of the duties aforesaid; and the said state supervisor shall have power at any time to remove any inspector so appointed upon reasonable notice or for reasonable cause. And the said supervisor, and all inspectors appointed under the provisions of this act, shall, before entering upon the duties of their respective offices, take an oath or affirmation faithfully to discharge the duties of the same as prescribed by the constitution and laws of this state, and the said supervisor shall execute a bond to the people of the state, in the sum of two thousand dollars, conditioned for the faithful performance of all the duties imposed by this act, said bond to be filed in the office of the secretary of state; and every inspector appointed under this act shall execute a bond to the people of the state, in the sum of two thousand dollars, conditioned as aforesaid, such bond to be filed in the office of the clerk of the county wherein the inspector executing the same shall reside, and a duplicate copy thereof, duly certified by the county clerk, shall be filed in the office of the surveyor; and all bonds executed under the provisions of this act shall be for the use of all persons aggrieved by the acts or neglect of the state supervisor or of the inspectors respectively executing the same. The sureties on the bond of the state supervisor shall be approved by the secretary of state, and the sureties on the bonds of the inspectors shall be approved by the judge of probate in the counties in which the inspectors executing the same shall respectively reside: *provided*, that the said state supervisor shall, on request of the city council of any city of not less than six thousand (6,000) inhabitants, appoint any suitable person whom such council shall nominate inspector of illuminating oils for said city, and for such territory adjacent to said city as the said state supervisor of inspectors shall determine. It shall

Oath of supervisor and inspectors, and bond of supervisor.

City council may nominate inspector.

be the duty of every inspector appointed under the provisions of this act, to provide at his own cost and expense all the necessary instruments and apparatus for examining, testing and branding illuminating oils, under the provisions of this act, and promptly to examine or test when called upon for that purpose, any oils offered for sale or for use for illuminating purposes, and if upon such examination or test such oil shall be found to meet the requirements of this act, he shall affix to the package, cask or barrel containing the same, a brand or device containing the word "approved," with the date of testing, over his official signature upon the package, cask or barrel containing the same, and it shall be lawful for any person to sell the same as an illuminating oil within this state, but if the oil so tested shall not meet the aforesaid requirements, he shall brand in plain letters on the package, cask or barrel containing the same, over his official signature, the words "rejected for illuminating purposes in the state of Wisconsin," with the date of testing thereof, and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes. Mode of testing oils.

SECTION 4. And to more effectually carry out the provisions of this act, it shall be lawful for any inspector to enter into or upon the premises of any manufacturer, refiner, or vendor of such illuminating oils, and if he shall find or discover, upon said premises, any oil which shall not have been examined or tested and properly marked or branded, under the provisions of this act, to examine or test, and thereafter properly to mark the same as herein provided. Authority of inspector to enter upon premises.

SECTION 5. Any illuminating oil which, on the application of a well lighted taper, or similar flame, will take fire and burn, or which shall evolve or give off an inflammable vapor or gas, at a temperature below that of one hundred and twenty degrees above zero point of Fahrenheit's thermometer (120° Fah.), or which for any reason whatever shall not remain clear and transparent upon being cooled to a temperature equal to that of twenty degrees above zero point of Fahrenheit's thermometer (20° Fah.), and kept at said temperature for a period not less than ten minutes of time, or which shall deposit any solid particles of paraffine when cooled as aforesaid, shall be deemed unfit for illuminating purposes, and the cask, barrel or other package containing the same shall be marked rejected, as hereinbefore provided. When oils to be rejected.

Instrument for making flash test.

SECTION 6. In all tests of illuminating oils made under this act, the quantity of oil used for making the flash test shall not be less than half a pint, and the instrument or apparatus used in making the examinations and tests herein provided for shall be in all respects in accordance with the instrument heretofore adopted and recommended by the state board of health of the state of Michigan, and now the legal instrument for testing oils used for illuminating purposes in that state, except that the water bath of the instrument shall be made four inches in depth and three and one-half inches in diameter, the supporting cylinder of the instrument being made of such size as freely to admit the same, and in using the tester the oil shall not be heated after it has attained the temperature of one hundred degrees Fahrenheit, and until it attains its highest test temperature, faster than at the rate of three degrees per minute; and the flame of the lamp shall be so adjusted as that the rise in temperature shall be as near to two degrees per minute as it is practicable to make it, and the taper used in making the test shall be such as shall give a clear flame, as nearly uniform in size as it is practicable to secure it; and the state supervisor shall give such instructions to inspectors as shall in his judgment be necessary or desirable to secure uniformity in the methods of making the tests.

Compensation of inspector.

SECTION 7. Every person appointed as an inspector under the provisions of this act, shall be entitled to demand and receive from the owner or other person for whom or at whose request he shall examine or test any oil or sample thereof, the sum of thirty-five cents for every single cask, barrel, package or sample of oil he shall test, and thirty cents each when not exceeding five in number; twenty-five cents each when not exceeding ten in number, and twenty cents each for each additional barrel, package or cask actually inspected and branded by him in lots less than car loads, and for a car-load of fifty barrels, packages or casks, fifteen cents for each barrel, package or cask so inspected and branded by him, and the said fees for examining or testing shall constitute a lien on the oil so inspected.

Inspectors record.

SECTION 8. It shall be the duty of every inspector appointed under the provisions of this act to keep a true and accurate record of all casks, barrels or other packages of oil examined or tested by him, which record shall state the time and place of inspection, the number of casks, barrels or other packages of oil then and there examined or tested, the name of the per-

son for whom or at whose request such examination or test was made, the mark or brand affixed to the casks, barrels or other packages, together with any further facts that may seem to him worthy of record, such account to be open to examination by any person who may so desire, and all illuminating oils manufactured or refined in this state shall be inspected, examined and tested as herein provided, before being removed from the premises of the manufacturer or refiner.

Inspectors not to deal in oils.

SECTION 9. No inspector appointed under the provisions of this act shall during his term of office traffic, either directly or indirectly, in any oil used for illuminating purposes, or be interested in any manner whatever in the manufacture, refining or sale of such oil, and any inspector violating the provisions of this section shall be removed from office immediately upon proof of such violation, and be liable to a penalty of not less than five hundred dollars.

Liability for selling uninspected or rejected oils.

SECTION 10. Any person who shall, either personally or by any clerk or agent, sell or offer for sale, or for use, or who shall in any manner dispose or attempt to dispose of any oil for illuminating purposes, which shall not have been examined or tested under the provisions of this act, or which having so been examined or tested shall have been marked as rejected; or who shall knowingly use or furnish for use for illuminating purposes any oil which shall not have been properly examined or tested as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than five dollars nor more than five hundred dollars, and any person so offending against the provisions of this act shall be responsible in damages to the party injured, in the event of injury arising or growing out of the use of any oil so offered or provided for sale or for use, and any person who shall falsely brand or mark any cask, barrel or other package of oil, or who shall change or alter in any way or manner any brand or mark or device affixed to any cask, barrel or other package of oil by any inspector duly appointed under the provisions of this act, or who shall refill and use any cask, barrel or other package having an inspector's mark or brand thereon, without obliterating the inspector's brand, and having the oil in such cask, barrel or other package properly examined or tested, under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than five dollars nor more than

five hundred dollars, or to imprisonment in the county jail for a period of not more than six months, or to both such fine and imprisonment, in the discretion of the court. And any person who shall sell, or in any way dispose of any empty cask, barrel or other package bearing an inspector's brand, without first thoroughly cancelling, effacing or removing such brand, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than five dollars nor more than five hundred dollars, or to imprisonment in the county jail for a term not exceeding six months, or to both such fine and imprisonment in the discretion of the court. And any person who shall wilfully adulterate any illuminating oil by adding thereto benzine, naphtha, paraffine oil or any substance or thing whatever, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or by imprisonment, or by both fine and imprisonment, as hereinbefore provided.

Penalty for disposing of barrel or cask bearing uncancelled inspector's brand.

Prosecutions for violation of provisions of this act.

SECTION 11. It shall be the duty of all inspectors appointed under the provisions of this act who shall know of any violations of any part thereof, to notify the district attorney of the same, who shall make complaint before any court of competent jurisdiction, and it shall be the duty of all prosecuting attorneys to represent and prosecute on behalf of the people within their respective counties all cases of offense arising under the provisions of this act, or of any section thereof; and any inspector who shall have knowledge of any violation of this act or of any section thereof, and who shall fail to enter complaint against the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty not exceeding fifty dollars, and shall be removed from office; and in case the death of any person or persons shall result from the explosion of a lamp or other vessel containing oil sold or used or furnished for use in violation of the provisons of this act, or of any section thereof, the person selling or furnishing said oil for use shall be deemed guilty of manslaughter in the third degree, and upon conviction thereof shall suffer the penalty in that case made and provided by the revised statutes of this state. Nothing contained in the provisions of this act shall be so construed as to prevent merchants in this state from keeping in their warehouses for trans-shipment to other states, or from trans shipping to other states and territories illuminating oils of a grade below the standard test prescribed in this act.

SECTION 12. It is hereby declared to be the true intent and meaning of this act, that the terms oils, illuminating oils, oils used for illuminating purposes, and all similar words, terms and expressions used herein shall be held to mean any mineral or petroleum oil or any fluid, or substance which is the product of such oil, or of petroleum, or in which such oil, or fluid or substance so obtained shall be a constituent part, by whatsoever name or title such oil, fluid or other substance may be known or called. Defining terms.

SECTION 13. All acts or parts of acts, inconsistent with or contravening any of the provisions of this act, are hereby repealed. Repealed.

SECTION 14. This act shall take effect sixty days after its passage and publication.

Approved March 15, 1880.

[No. 141, S.] [Published March 29, 1880.]

CHAPTER 270.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the town of Loraine, in the county of Polk.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of the state, not to exceed two thousand dollars, to the town of Loraine, in Polk county, in this state, and the said town is authorized to borrow a sum not to exceed the amount above named, of said commissioners, and to issue to said commissioners certificates of indebtedness so contracted; said indebtedness shall bear interest at the rate of seven per cent. per annum, and the said interest shall be paid annually, together with not less than one-fifth of the principal sum loaned, till the whole is paid. Amount of loan $2,000. Rate of interest; payment of principal.

SECTION 2. The secretary of state shall, each year, until the whole loan is paid, furnish to the county clerk of said county the amount which will be due from such town, at the same time that he furnishes to that officer a statement of the state tax. It shall be the duty of the county clerk, on receiving such statement, to include the amount due from such town in his apportionment of the state taxes to the town, but it shall be carried out in a separate column, and the town clerk of said town shall charge such amount on his tax roll, and the tax shall be collected by the town treasurer, Duty of secretary of state.

and paid with the state tax to the county treasurer, who shall pay it over to the state treasurer with the state taxes.

Acceptance to be filed with secretary of state

SECTION 3. Before contracting any debt under this act, and before any of said funds shall be delivered to said treasurer in exchange for said certificates of indebtedness, the supervisors of said town of Loraine shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for.

Vote of electors may be required.

SECTION 4. The said commissioners may, in their discretion, require the application for such loan, to be approved by a majority of the voters of said town on the question, at the annual town meeting, to be accompanied by a statement in writing, verified by the oath of the chairman and town clerk, showing the full number of votes cast in favor of said loan and against.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 148, A.] [Published March 29, 1880.]

CHAPTER 271.

AN ACT to provide for the collection of statistics of pauperism and crime.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County clerks to report.

SECTION 1. It is hereby made the duty of the county clerks of the several counties of this state to make reports relating to pauperism and crime in their counties to the state board of charities and reform, or any duly constituted authority performing its duties, in such form as the said board may prescribe, upon blanks to be provided by said board.

Duty of town clerks.

SECTION 2. It is hereby made the duty of the town clerks of the several towns in this state to make reports of pauperism and crime to the county clerks of their respective counties, and the board of supervisors of the several towns shall fix their compensation and audit their accounts for services rendered.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 56, S.] [Published March 27, 1880.]

CHAPTER 272.

AN ACT for the preservation of fish in Dell creek.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. It shall be unlawful for any person or persons to use any net, spear, gun, or any other device, except hooks and lines and artificial or other bait, for the purpose of catching or killing any fish in Dell creek or the ponds connected therewith, in Sauk county, above the lower dam on said creek, except that fish may be speared in said ponds from the fifteenth day of September until the fifteenth day of November in each and every year, and in said creek below the lower dam at any time. **Place and time when fishing is unlawful.**

SECTION 2. Any person or persons violating the provisions of section one shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty nor more than one hundred dollars and costs of prosecution; and in case said fine and costs are not paid, shall be committed to the county jail until paid, or discharged by process of law. One half of all the fines collected shall go to the informer. **Penalty for violation.**

SECTION 3. If any person or persons shall be on Dell creek or said ponds above said lower dam with torch-light and spear in the night, or a spear in the day time, it shall be prima facie evidence of the commission by said person or persons of the misdemeanor mentioned in section two of this act. **Possession of fishing implements to be evidence of violation.**

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 263, A.] [Published March 27, 1880.]

CHAPTER 273.

AN ACT to legalize the action of the board of supervisors of Juneau county in the division of the town of Kingston, in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The action of the board of supervisors of the county of Juneau, at the annual meeting of said board, in the month of November, A. D. 1878, in the division of the town of Kingston, in said county, is hereby declared to be legal and valid in all respects. **Legalized.**

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 13, 1880.

[No. 339, A.] [Published March 27, 1880.]

CHAPTER 274.

AN ACT authorizing the city of Winona to construct, operate and maintain a bridge across the Mississippi river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of bridge.

SECTION 1. The city of Winona, of the state of Minnesota, is hereby authorized and empowered to construct, operate and maintain a wagon bridge across the Mississippi river, commencing at any point in the limits of the county of Buffalo, in this state, and extending to the corporate limits of the city of Winona, in the state of Minnesota.

Construction of wagon road.

SECTION 2. The city of Winona, in the state of Minnesota, is hereby authorized to construct and maintain a wagon road commencing at any point on a lawful highway inthe county ot Buffalo, in this state, and extending thence by the most direct and feasible route to the boundary line between this state and the said state of Minnesota, opposite the corporate limits of said city of Winona, and for that purpose the said city of Winona may acquire and hold for the purpose aforesaid, by purchase, gift or otherwise, as shall be agreed upon between the said city and the owners thereof, so much land not exceeding four rods in width, as shall be necessary for the construction and maintenance of said wagon road. Said city may also build, construct and maintain all such bridges and culverts as shall be necessary and convenient for the use of said wagon road. The said road hereby authorized shall be a private road and shall never become a public highway by use or otherwise, nor shall the state of Wisconsin, or any county or town therein, ever become liable in any manner therefor, or to maintain the same or any part thereof, or to any person by reason of any injuries sustained by or upon the same.

Navigation not to be impeded.

SECTION 3. That the portion of said bridge that shall cross the western channel of said river, from the westerly bank of said river to the sand bar or island in said river, situated at or opposite to section one, township eighteen north, of range eleven west of the fourth principal meridian, Wisconsin, shall be con-

structed as a pontoon bridge, and shall be constructed so as to offer reasonable and proper means for the passage of vessels and rafts through the same, and so as not to materially interfere with the navigation of said river.

Authority of city.

SECTION 4. That the said city of Winona may by ordinance, determine and decide that such bridge shall be used, operated and maintained, with or without costs to the traveling public, or to persons crossing the same, or for property conveyed across the same, and should said city decide to charge a toll therefor, it may, by ordinance, control, fix and regulate the rates or charges for toll upon said bridge or any portion thereof: *provided*, that the charges for toll shall not exceed the following rates: For each foot passenger, fifteen cents; for each horse, mare or mule, with or without a rider, thirty cents; for each additional horse, mare or mule, ten cents; for each team, with vehicle, loaded or unloaded, with the passengers therein, fifty cents; for each single horse, with vehicle, with or without passengers, forty cents; for each ox or cow, ten cents; for each swine or sheep, five cents.

Tolls.

Management of bridge.

SECTION 5. The said city of Winona is hereby authorized by ordinance to provide regulations for the general management of said bridge.

Liability for damages.

SECTION 6. The said city of Winona shall be liable for all damages sustained or suffered by any person traveling or being upon its said wagon road, or any bridge constituting a part thereof, caused by the improper construction of such road or bridge, or want of reasonable diligence in keeping the same in repair; and the said city of Winona shall appoint in writing a suitable person, who shall reside in the said county of Buffalo, as its agent or attorney, upon whom service of process for the commencement of actions to recover damages for any such injuries, and service of such process in the manner prescribed by law for the service of process in civil actions upon persons within this state, shall be deemed a service upon said city of Winona. Such appointment shall be deposited and filed in the office of the county clerk of said county of Buffalo. A failure to appoint and have an agent of said city in said county, as herein provided, or to pay any judgment recorded against it under the provisions hereof, shall operate as a revocation of all rights or authority conferred upon or granted to said city by the provisions of this act.

To appoint agent in Buffalo county.

SECTION 7. This act shall take effect and be in force from and after its passage.

Approved March 15, 1880.

[No. 263, S.] [Published March 23, 1880.]

CHAPTER 275.

AN ACT to authorize the secretary of state to subscribe for biographical sketches of members of the constitutional conventions of 1846 and 1847–8.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of secretary of state.

SECTION 1. The secretary of state is hereby authorized and directed to subscribe, in the name of the state, for the purchase of one thousand copies of a volume containing the sketches of the lives of and personal career of each member of the constitutional conventions of 1846 and 1847–8, with suitable introductory matter, prepared by Horace A. Tenney and David Atwood, as directed by a meeting of the surviving members of said conventions, held at Madison February 5, 1878; the volume to be printed upon good book paper, from clear type, and to be bound in substantial cloth binding; to contain not less than four hundred pages of printed matter, the price not to exceed one dollar and twenty-five cents per volume.

Size and description of book.

Distribution of edition.

SECTION 2. The books provided for in the preceding section, shall be printed, bound and delivered to the secretary of state, within six months after the official subscription for the same is made. The said secretary of state shall cause said volumes to be distributed as follows: One copy to each of the state officers, and to each member of the legislature of 1880; one copy to each surviving member of the constitutional conventions of 1846 and 1847–8, and one copy to a legal representative of every deceased member of either of those bodies; the balance to be deposited in the library of the state historical society, to be used for the purposes of exchange.

Appropriation.

SECTION 3. On the delivery to and the acceptance by the secretary of state, of the books provided for in the first section of this act, the said secretary of state shall audit the account for the same, and draw his warrant upon the state treasurer for its payment; and there is hereby appropriated, out of any money in the state treasury not otherwise appropriated, an amount sufficient to pay the warrant thus drawn.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 267, S.] [Published March 20, 1880.]

CHAPTER 276.

AN ACT to provide for the settlement of accounts against the state for care of insane persons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All claims for the repayment of any amount of money from the state treasury, made by any county of this state for the support of any pauper insane person, on the ground that such person was not a resident of the county, shall, before being presented to the legislature, be presented to the state board of charities and reform, for examination and investigation; and all such claims shall be inquired into by said board, and the facts connected therewith reported to the governor in its annual report. Accounts to be presented to state board of charities and reform.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 244, S.] [Published March 25, 1880.]

CHAPTER 277.

AN ACT to amend section four thousand five hundred and sixty-four of chapter one hundred and eighty-five of the revised statutes of 1878, entitled of offenses against public policy.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four thousand five hundred and sixty-four of chapter one hundred and eighty-five of the revised statutes of Wisconsin, is hereby amended by substituting the word "fifteenth" for the word "twenty-fifth" before the word "day" in the eighth line of said section, so that said section shall read, when amended, as follows: Any person who shall take, catch, kill, destroy or wantonly molest, or have in his possession when killed or taken, or expose for sale in the state, any woodcock, between the first day of January and the succeeding tenth day of July, and any quail, partridge, pheasant or ruffled grouse, prairie hen, or prairie chicken, sharp-tailed grouse, or grouse of any other variety, or any wood duck, mallard or teal duck, between the first day of January and the succeeding fifteenth day of August in any year; or any wild deer, buck, doe or fawn, between the thirtieth day of November and the succeed- Amended. Prairie chickens, etc. Deer, etc.

ing first day of September in any year; or any otter, mink, martin, muskrat or fisher, between the first day of May and the succeeding first day of November, shall be punished by fine not exceeding ten dollars, nor less than one dollar for each bird or animal so unlawfully taken, killed, had in possession or exposed for sale: *provided*, that the provisions of this act shall only apply to that portion of the state lying north of the northern boundary line of the counties of Vernon, Sauk, Columbia, Dodge, Washington and Ozaukee.

Boundaries wherein this act is to apply.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 243, S.] [Published March 22, 1880.]

CHAPTER 278.

AN ACT pertaining to and amendatory of chapter one hundred and eighty-four of the laws of 1874, entitled "an act to revise, consolidate and amend the charter of the city of Milwaukee, approved February 20, 1852, and the several acts amendatory thereof, approved March 10, 1874."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Form of tax sale certificate.

SECTION 1. Certificates of the sale of lands for non-payment of taxes or assessments, and charges, hereafter to be issued by the treasurer of the city of Milwaukee, under the act to which this act is amendatory, shall be in the following or equivalent form:

STATE OF WISCONSIN, }
Milwaukee City and County. } ss.

I, ——— ———, treasurer of the city of Milwaukee in said state, do hereby certify that on this —— day of ——, A. D. 18—, I sold at public auction, pursuant to law (here describe the land sold), unto ——— ———, for the sum of —— dollars and —— cents, being the amount due for city taxes, assessments and charges, on said ——. This certificate bears interest at the rate of twenty-five per cent. per annum, and if the land so sold is not redeemed according to law, the owner of this certificate will be entitled to a conveyance of so much of said land as shall remain unredeemed.

This certificate is transferable by indorsement.

———— ————,
City Treasurer.

Previous certificates declared valid.

SECTION 2. All certificates of the sale of lands for non-payment of taxes or assessments and charges heretofore issued by the treasurer of the city of Milwaukee,

under the act to which this act is amendatory, substantially in the form prescribed in the preceding section, shall be and are hereby declared to be and to have been valid and legal, and no additional matter contained in such certificates shall in any way affect or invalidate the same.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 217, S.] [Published March 25, 1880.]

CHAPTER 279.

AN ACT to amend the subdivision entitled "additional powers of peculiar corporations," of chapter eighty-six of the revised statutes of Wisconsin, entitled "of the organization of corporations."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Logging and lumbering corporations.

SECTION 1. Add to the foot of section seventeen hundred and seventy-seven, in the subdivision entitled "additional powers of peculiar corporations," of chapter eighty-six of the revised statutes of Wisconsin, entitled "of the organization of corporations," the words and figures following, to wit: Section 1777 *a*. Any corporation formed under this chapter for the improvement of any stream, and storing, sorting and delivering thereon saw logs, square and round timber, or other timber thereon, which shall have taken prior possession of such stream or portion of stream for that purpose, shall have the exclusive power to improve such stream or portion thereof by clearing and straightening the channels thereof, cutting canals, closing sloughs, driving piles and erecting piers and other works in the bed or on the banks thereof, and by constructing all such booms of all kinds as may be necessary or suitable for the purposes aforesaid; but shall in no case in any manner materially obstruct or impede navigation upon such stream or navigable sloughs thereof, or erect any dam or other obstruction below the head of steamboat navigation; but shall leave a free, open and unobstructed passage way, at least eighty feet in width, on at least one side of such stream or navigable slough. Every such corporation shall have all the powers, grants and privileges, including the right to collect toll or boom charges, and have liens therefor, and be subject to all the conditions, limitations, and restrictions conferred, imposed or provided by said section one thousand seven hundred and

Powers of corporations.

seventy-seven, upon corporations for the improvement of streams and driving logs thereon, so far as the same may be applicable, excepting in the cases wherein special provisions relating thereto are herein made. Such corporations shall have power to acquire the title to lands and easements therein, in, upon and contiguous to such streams and sloughs within the limits of its proposed line of piers and booms, either by purchase, lease or license, or the exercise of the right of eminent domain, and in case it shall be necessary to take, flow or injure lands and property in the construction of the works of improvement hereby authorized, such lands and property or easements therein may be acquired in the manner prescribed by the subdivision entitled "acquiring lands by the right of eminent domain," of chapter eighty-seven of the said revised statutes, entitled "of railroads," so far as the provisions thereof may be applicable. The provisions of sections twelve, thirteen, fourteen, fifteen, sixteen, eighteen and twenty-four of chapter forty-five of the private and local laws of Wisconsin for the year 1871, entitled an act to incorporate the Wausau boom company, as the same are amended, shall apply to corporations formed hereunder: *provided*, this act shall not apply to the Chippewa river or any of its tributaries.

Act of 1871 to apply.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 194, S.] [Published March 23, 1880.]

CHAPTER 280.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the county of Lincoln.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding fifty-five thousand dollars, to the county of Lincoln, in this state, and the said board of supervisors is hereby authorized to borrow a sum, not exceeding the amount above named, of said commissioners, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. per annum, and said interest shall be paid annually, together with, after one year from the date of such loan, not less than one-tenth of the principal sum, until the whole is paid.

Amount of loan, $55,000.

Rate of interest; payment of principal.

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of said state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Lincoln, the annual interest due the state on said loan, together with ten per cent. of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said county, and paid over to the state in the same way as other state taxes are paid and collected. Duty of secretary of state.

SECTION 3. At the time and in the manner provided for levying taxes for state and county purposes, the board of supervisors of said county of Lincoln, shall levy the amount of money required for the payment of the annual interest, and not less than one-tenth of the principal sum loaned by the commissioners of public lands to the county board of said county of Lincoln, as provided for in the preceding section of this act. Duty of board of supervisors.

SECTION 4. And it is further provided that the said county of Lincoln shall never, while said certificates remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted as well as that herein referred to, than five per cent. of its average taxable property, as the same shall appear from the last assessment rolls. Amount of indebtedness limited.

SECTION 5. Said certificates of indebtedness shall be for the sum of five hundred dollars each, numbered from one to one hundred and ten, inclusive, be made payable to the commissioners of the public lands, and be signed by the chairman of the board of supervisors of said county, and countersigned by the clerk thereof. Said certificates may be deposited by the chairman of said board with the state treasurer, as custodian thereof, together with a list of the bonds heretofore issued by said county, being fifty-five of one thousand dollars each in aid of the Wisconsin valley railroad company. No money shall be paid or become payable to the said county of Lincoln, upon or for said certificates of indebtedness, and the same shall have no validity or effect, unless nor until the said bonds of said county, with the unpaid coupons which are or were attached thereto, and are unpaid, shall be surrendered to the said commissioners for cancellation, upon their paying to the holders the principal mentioned in said bonds; upon which surrender, and not before, the said certificates of indebtedness shall be delivered to said commissioners by said state treasurer and become in force. Face of certificates. Conditions of payment of loan by state.

Cancellation of bonds.

All the bonds so surrendered for cancellation, with the unpaid coupons, shall be cancelled and destroyed by the said commissioners in the presence of the chairman of said board of supervisors and the clerk of said county, all of whom shall make and sign, in duplicate, a certificate of said cancellation and destruction, setting forth therein the number and amount and date of each instrument so cancelled and destroyed, and of the numbers and amounts of the coupons aforesaid, one of which certificates shall be recorded in the office of said commissioners, and the other in the office of said county clerk.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 239, S.] [Published March 23, 1880.]

CHAPTER 281.

AN ACT to authorize mutual hail insurance companies of other states to do business in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Growing crops may be insured

SECTION 1. It shall be lawful for hail insurance companies, organized under the laws of any other state, to do business and insure the crops of individuals, copartnerships and corporations in this state, against loss or damage by hail, upon complying with the following conditions, namely: Such company or companies shall, on or before the first day of April in each year, file with the insurance commissioner of this state, a statement showing the financial condition of said corporation, and, if a stock company, the amount of capital stock, the amount of said stock paid in cash, and the amount in notes of the stockholders, the names and residences of the stockholders, on the first day of April of each year, and such company shall thereupon obtain from the insurance commissioner of this state a certificate, under his hand and seal of office, authorizing such company to do business in this state for the next ensuing year, and certifying that he has examined into the affairs of such company; that the stockholders, in case of a stock company, are solvent, and responsible men, able to pay at once their stock notes, and any liability that attaches to them as such stockholders, and that the whole amount of stock subscribed is not less than twenty-five thousand dollars, and that said company is

Company to file statement showing its financial condition, etc.

Duty of insurance commissioner.

solvent, as he verily believes: *provided*, that the stockholders on the first day of April in each year, as shown to the insurance commissioner, and as they appear in his said certificate, shall remain liable as such stockholders for one year from that date, whether said stock is disposed of or not: *and provided further*, that such company receiving such certificate shall, at or prior to receiving the same, file with said commissioner a stipulation to the effect that in all suits brought against such company in this state, service of the summons shall be made upon said company by leaving a copy of the summons with said insurance commissioner: *and provided further*, that such company shall pay the same fees and taxes as are now provided by law in case of foreign fire insurance companies.

Liability of stockholders.

Actions against company.

Fees and taxes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 233, S.] [Published March 22, 1880.]

CHAPTER 282.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the town of Lincoln in the county of Trempealeau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of the public lands are hereby authorized to loan a portion of the trust funds of this state not exceeding five thousand dollars to the town of Lincoln in the county of Trempealeau, and the said town of Lincoln is hereby authorized to borrow of said commissioners a sum not exceeding the amount above named, and to issue to said commissioners certificates of the indebtedness so contracted; said indebtedness shall bear interest at a rate of seven per cent. per annum, and shall be paid annually, and after five years from the date of said certificate, in addition to the interest there shall also be paid annually one-fifth of the principal sum until the whole is paid.

Loan of $5,00 authorized.

SECTION 2. Each and every year, until the whole loan shall be repaid, the secretary of state shall, when he apportions the state tax among the several counties, add to the state tax which would be properly chargeable to the said county of Trempealeau the annual interest due the state on said loan, and each year after five years from the date of said certificates he shall, in

Duty of secretary of state.

addition to said interest, add to said state tax one-fifth of the principal sum loaned under this act, and the same shall be levied and collected out of the taxable property of said town of Lincoln and paid over to the county treasurer of the county of Trempealeau and by him to the state at the same time and in the same way that other state taxes are collected and paid.

Town to levy taxes to pay interest and principal due.

SECTION 3. At the time and in the manner provided by law for levying taxes for other purposes, the said town of Lincoln shall levy each and every year the amount of money required for the payment of said annual interest due the state as aforesaid, and each and every year after five years from date of said certificates of indebtedness, shall levy the amount of money required for the payment of said annual interest together with one-fifth of the principal sum loaned under the provisions of this act.

Face of certificates.

SECTION 4. Said certificates of indebtedness shall be for the sum of one thousand dollars each, numbered from one to five inclusive, and made payable to the commissioners of the public lands, and signed by the chairman of the board of supervisors of said town of Lincoln, and countersigned by the clerk of said town.

Indebtedness limited.

SECTION 5. It is hereby provided that said town of Lincoln shall never, during the time said certificates of indebtedness or any of them remain unpaid, become indebted or contract debts for a greater amount than five per cent. of the average taxable property of said town, as the same shall appear from the last two assessment rolls of said town previous to incurring said indebtedness. Before any of said trust funds shall be delivered to said town in exchange for said certificates of indebtedness, the town board of supervisors of said town, by resolution, certified to by the clerk of said town, shall file with the secretary of state an acceptance of the provisions of this act, and of the terms and limitations herein provided for and prescribed.

Donation of loan to coun'y.

SECTION 6. The said town of Lincoln is hereby authorized and empowered to give, grant and donate, on such terms and under such conditions as may seem to said town to be fit and proper, the said loan or any part thereof to the said county of Trempealeau, to be used and expended in the erection and completion of a county building or of county buildings, within the limits of the said town of Lincoln.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 182, S.] [Published March 26, 1880.]

CHAPTER 283.

AN ACT to provide for draining wet or swamp lands and lead and coal mines.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. That when any one or more owner or owners of any lands or lead or coal mines in this state shall desire to construct a ditch or drain or ditches across the lands of another or others for agricultural, sanitary or mining purposes, and which tends to the benefit or advantage of the public, and no agreement can be made between them and the owner or owners of said lands, to make or establish a ditch or drain, the person or persons may file a petition in the circuit or county court of the county in which said ditch or ditches, drain or drains shall be proposed to be constructed, setting forth the necessity for the same, with a description of its or their proposed starting point, route and terminus, and if it shall be necessary for the drainage of the land or lead or coal mines, or for sanitary purposes, or either or all of said purposes, that a drain or ditch or ditches or other similar work be constructed, and to the public interest that the work shall be so constructed, the petitioner or petitioners shall so state in the petition, and shall set forth the general description of the same as proposed, and shall ask for the condemnation of so much of the lands as may be sufficient to construct and build said ditch or ditches, drain or drains.

Petition to circuit court.

When owners cannot agree.

SECTION 2. The petition shall set forth the name or names of all persons owning the land over which such drain, ditch or ditches is to be constructed, as owner or otherwise, as their interest may appear therein by the records of the register of deeds of said county, and if the name of the owner or owners shall not be known to said petitioners, such petition shall state that fact, and pray such court or judge to cause the compensation, as hereinafter provided, to be paid to the owners of such land, or to the person or persons entitled to the same.

Style of petition.

SECTION 3. That if the proceedings seek to affect the property of minors or persons under guardianship, idiots or lunatics, the guardian shall be made party defendant to the proceedings, if any, and, if none, the court shall appoint such to defend; and if a married woman, the husband shall be made a party, if known;

Rights of minors, etc.

and parties interested whose names are unknown, shall be made parties defendants by the name and description of unknown owners, but in all such cases an affidavit shall be filed by one of the petitioners or some other credible person, setting forth that after due diligence and inquiry, stating such diligence, he is unable to learn the name of the owner or owners of such land.

Hearing of petition.

SECTION 4. Said petition may be presented to the judge in vacation, and the judge shall fix upon a day when he will hear the same, and shall order the issuance of a summons to be served upon all the persons made defendants in such proceedings, which summons shall be served upon each of said owners, prayed to be made defendants in such proceedings, in the same manner required for the service of summons in the circuit court in this state in a civil action, which summons shall be served on each of said owners at least ten days before the hearing of such petition, and shall be issued by the clerk of the circuit court for the county where such lands are situated.

Same.

SECTION 5. Said cause may be heard by such judge in vacation as well as in term time, but no cause shall be heard earlier than ten days after service upon defendants, or ten days after the last day of the publication of said summons, when service is required to be made by publishing a copy thereof, to bring in nonresident or unknown owners.

Compensation may be found and assessed separately.

SECTION 6. That any number of separate parcels of land situated in the same county may be included in one petition, and the owners thereof may be joined as petitioners or defendants therein; and the finding of the necessity to use such land for the purpose of constructing said ditch or drain, with the compensation for each owner, may be found and assessed separately by the same jury.

Amendment to petition.

SECTION 7. Amendments to the petition or any part of the records in the case, may be permitted whenever necessary to a fair trial and final determination of the questions involved.

In case of defense.

SECTION 8. If any defense shall be made to the petition, the defendant or defendants shall plead, answer or demur to such petition as in chancery proceedings, in this state, and a general replication by the petitioner or petitioners shall be sufficient to make up the issues between the parties.

Bringing new party before ge.

SECTION 9. Should it be necessary at any time o stage of the proceedings to bring a new party before

the judge or court, the judge shall have the power to make such rule or order in relation thereto, as may be deemed reasonable and just, and shall have power to make all such necessary rules and orders for notice to parties, of the pendency of the proceedings, and to issue all necessary process for the execution of orders and judgments, as may be considered necessary by the court.

Trial of issue.

SECTION 10. At the time fixed for hearing the petition, the judge, if there shall be an issue, either of law or fact, made by a demurrer or answer to said petition shall proceed to the trial of such issue, and if an issue of law and the same shall be decided in favor of the defendant or defendants interposing such demurrer, and the petitioners shall not amend their petition, as provided herein, or the issue of fact, except the issue denying that the construction of such ditch or drain tends to the benefit or advantage of the public, or as to whether it is necessary to use the defendant's or either of defendants' land in the construction of such ditch or drain decided in favor of said defendant or defendants, all proceedings on said petition shall be dismissed. And in case the issue shall be found for the petitioners or there shall be no appearance by such defendants, the judge shall make an order that the clerk draw a jury, which order shall fix the time and place at which such jury is required to appear.

Jury to ascertain damage.

SECTION 11. The clerk shall immediately, on receipt of such order, proceed to select a jury, by writing the names of forty-eight disinterested freeholders of the county, on forty-eight separate slips of paper and in the presence of two disinterested freeholders, in the same manner provided by law for drawing jurors for the circuit court, draw the names of twelve such persons to act as jurors, and the clerk shall thereupon issue a venire directed to the sheriff of the county, commanding him to summon the twelve persons so selected as jurors, to appear at the time and place named in such order.

Rights of parties interested

SECTION 12. The petitioner or petitioners and every party to the proceedings interested in ascertaining the amount of compensation, shall have the same right of challenge of jurors, as in other cases in the courts of this state. If the panel be not filled by reason of non-attandance or being exhausted by challenge, the judge hearing such petition shall designate by name the necessary number of persons of proper qualifications, and the clerk shall issue another venire, returnable instanter, until the jury be filed.

Oath of juror.

SECTION 13. The following oath shall be administered to the jury, when so selected, by the judge or clerk of said court: "You, and each of you, do solemnly swear (or affirm) that you will well and truly ascertain and report just compensation to the owners and each owner of the property sought to be used by petitioner in this case, and to each person interested therein, according to the facts in the case as the same may appear by the evidence and the law given to you by this court, and that you will truly report the same: so help you God."

Jury to examine premises.

SECTION 14. The jury shall go upon the land sought to be used, in person, and examine the same, and after hearing the evidence in the case. that may be offered, make its report in writing to the court, the amount of damages to be caused to the land separately, giving a brief description of each piece by reason of using the same for the purpose sought in the petition, and the just compensation to be allowed the owners by reason of using the same: *provided*, that in no case shall the size or capacity of such ditch or drain be greater than what is actually necessary to carry away the water to be conveyed through the same. Said report shall be subject to amendment by the jury, under the direction of the court, as the case may be, so as to clearly set forth and show the findings of the jury therein.

In case defendant denies the necessity of using land.

SECTION 15. That in case the owner of any land, made defendant in said proceeding, shall in his answer, deny that it is necessary to use such land in the construction of said ditch or drain, or that the construction thereof will not tend to the benefit or advantage to the public, the court shall direct such issue to be tried by the jury aforesaid and shall make all needful rules for the trial of the same, and the jury in its report shall report its findings thereon: that it finds such issue or issues for the defendant or against the defendant.

Duty of judge.

SECTION 16. The judge or court shall upon such report, proceed to adjudge and make such order as to right and justice shall pertain, ordering the petitioner or petitioners or persons authorized by law, to enter upon said property and the use of the same, upon the petitioner or petitioners or other persons interested, paying the full compensation as ascertained, as aforesaid, if any is found by the jury, and such order, with evidence of payment, shall constitute complete justification for the taking of such property for the purposes aforesaid.

Owners to construct drain or

SECTION 17. The court may, in case said jury shall

have reported any portion of such ditch or drain to be constructed by the owner or owners, adjudge and enforce such report by the judgment of the court, which judgment may be in the alternative that such owner or owners construct the same in the time fixed, or pay the cost of constructing the same, as in such report set forth: *provided*, no owner shall be required to construct any ditch or drain, or pay anything for the same, across land not actually occupied by him. Pay for construction.

SECTION 18. In all cases in either the circuit or county courts, or before the circuit or county judge, an appeal may be taken from the county court to the circuit court, and from the circuit court to the supreme court, as in other cases of appeals from said court, as is now provided for by law. Appeal.

SECTION 19. Compensation so adjudged may in all cases to be paid into the court before whom the proceedings were had, and the clerk shall on demand pay the same to the party entitled thereto, taking a receipt for the same, or payment may be made directly to the party entitled to receive the same by the petitioner or petitioners or persons compelled to pay the same. Compensation to be paid to judge.

SECTION 20. The court or judge shall cause the verdict of the jury and the proceedings of the court to be entered upon the records of said court. Verdict to be of record.

SECTION 21. The person or persons constructing such drain or ditch may go upon the lands of the owners with their servants, teams, tools and instruments for the purpose of constructing the same, and may forever thereafter go upon said lands as aforesaid for the purpose of repairing and keeping such ditch or drain in order, doing no more damage than the necessity of the occasion shall require. Constructing and repairing drain.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 76, S.] [Published March 27, 1880.]

CHAPTER 284.

AN ACT to provide for the incorporation of religious societies in connection with Congregational churches.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The male members over twenty-one years of age, not less than three in number, of any Congregational church known as such in both govern- Organization of societies.

ment and name, which shall have been organized in this state, and which at the time maintains regular public worship, may, after due public notice given at some stated meeting of such church, organize a corporation for religious, charitable or educational purposes, in the manner hereinafter provided.

Certificate of organization.

SECTION 2. Such members shall sign and acknowledge, before some officer authorized by law to take the acknowledgment of deeds in the county where such society is organized, a certificate substantially in the following form: "Know all men, by these presents, that the undersigned (insert the names of the signers) and those who are, or who may become associated with them, for the purposes herein specified. have organized themselves in a religious society of the ——— church, located in (name of town, city or village), in the county of ———, and state of Wisconsin, for religious, charitable and educational purposes, which society shall be known and incorporated by the name (here insert the name). And they shall record the same in the office of the register of deeds of such county; and when such certificate shall have been so recorded, the society named therein shall be a corporation, and shall possess the powers and privileges granted to corporations by chapter eighty-five of the revised statutes, so far as the same are applicable or necessary to accomplish its purposes, and also such as are conferred by this chapter. And the respective churches connected and associated in public worship with such religious societies, shall continue to have, exercise and enjoy all their accustomed privileges and liberties respecting divine worship, church order and discipline, and shall be encouraged in the peaceable and regular enjoyment and practice thereof.

Powers and privileges of corporation.

Constitution and by-laws.

SECTION 3. Such corporation may, by its constitution and by-laws, fix the terms and qualifications of membership and office therein, may provide rules for the government of the society and its officers, and fix the number of its trustees, not less than three nor more than nine, their term of office and the manner of appointing or electing the same.

May possess real estate, etc.

SECTION 4. Such corporation may also take, receive, purchase, hold and use both real and personal estate for the purposes for which it has been incorporated, and no other; and may lease, mortgage, sell and otherwise dispose of the same, or any portion thereof, in the manner provided by its rules and by-laws; and may also take by purchase, gift or otherwise. and for-

ever hold and improve, any lands intended to be used for cemetery grounds or burial places, subject to the provisions and restrictions so far as applicable in chapter fifty-nine of the revised statutes.

Board of trustees.

SECTION 5. The secular business and temporal affairs of such corporation shall be administered by the board of trustees. It shall appoint a clerk or secretary, and a treasurer, with power to remove the same, and shall cause accurate records of all its proceedings, and of all business meetings of such society, to be kept; it shall have the custody and management of the corporate property, and shall be governed in its official acts by the rules of its society, applicable thereto and not inconsistent with the laws of this state.

Board of trustees of Congregational church may become a corporation.

SECTION 6. Every existing religious society of any Congregational church known as such in both government and name, whose board of trustees have heretofore been incorporated under the laws of this state, may, by five or more of its members, including in every case all the members at the time acting as trustees, thereunto duly authorized by and acting for the society, become a corporation under this chapter, by making and recording the certificate provided herein, with an additional statement therein of the name by which such society and the corporation connected with it has before that time been known and called, and that such society and corporation are reorganized under this chapter; but such reorganization shall not work a change of the ecclesiastical connection of any such society. If any such society or corporation shall fail to become reorganized as herein provided, such failure shall not work its dissolution; and the board of trustees heretofore incorporated, not less than three nor more than nine in number, shall hereafter be appointed or elected according to the rules of the society with which they are connected, and shall be governed by the provisions of this chapter which relates to the duties of trustees, and shall have all the powers and be subject to all the liabilities of religious corporations under the provisions of this chapter.

Failure to elect trustees not to affect corporation.

SECTION 7. No failure to elect trustees at the proper time shall work a dissolution of any corporation under this chapter, and those once elected shall hold their offices until their successors are elected. In case of the dissolution of any such corporation, the same may be reincorporated under the provisions of this chapter at any time within six years after such dissolution; and thereupon all the estate, real and

personal, formerly belonging to the same, and not lawfully disposed of, shall vest in such corporation as if there had been no such dissolution.

Property to vest in religious society.

SECTION 8. All lands, tenements and hereditaments that have been or may hereafter be lawfully conveyed by demise, gift, grant, purchase or otherwise to any persons or trustees in trust for the use of any religious society organized, or which may hereafter be organized, within this state, either for a meeting house, burying ground or parsonage, shall, with the improvements, vest in such religious society when incorporated under the provisions of this chapter, as fully as if originally conveyed to it; and in case the society has not been reincorporated as herein provided, shall vest in the trustees of such society, and be held by them and their successors in trust for such society.

Exempt from provisions of section 91, R. S.

SECTION 9. The societies of any congregational church, known as such in both government and name, herein named and provided for, shall hereafter be exempt from the provisions of chapter ninety-one of the revised statutes of 1878: *provided*, that the trustees of the funds and property of any church or religious denomination in this state duly elected by any council, convention, conference, synod or other body of authorized representatives of any such church or religious denomination, and otherwise qualified as provided by law; and their successors in office are hereby declared to be a good and sufficient corporation, duly organized and fully formed, constituted and empowered to receive and hold any lands, tenements and hereditaments that may be conveyed to it by demise, gift, grant, purchase or otherwise, by or from any person, persons, trustees or corporation, in trust for a church, meeting house, parsonage, rectory, school or hospital, or for the other uses and purposes of any such church or religious denomination, and any property so conveyed to said corporation, with the improvements, appurtenances and additions thereto, shall be held by such trustees and their successors in office, when such conveyance shall have been approved by the council, convention or synod represented by said trustees exclusively for the purposes of such trust as specified and declared in the conveyance thereof, and subject to all the conditions of such conveyance.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 259, S.] [Published March 25, 1880.]

CHAPTER 285.

AN ACT relating to the charter of the city of Green Bay, and amendatory of section three of chapter one of chapter two hundred and sixty-two of the laws of 1875; of section ten of chapter three of said chapter two hundred and sixty-two; of chapter six of said chapter two hundred and sixty-two; of sections nine, eleven, twelve, thirteen, fourteen and seventeen of chapter ten of said chapter two hundred and sixty-two, and of section one of chapter two of said chapter two hundred sixty-two; also, repealing sections twenty, twenty-one, twenty-two, twenty-three, twenty-seven, thirty, thirty-one and thirty-three of said chapter ten of said chapter two hundred and sixty-two; sections twelve and fifteen of chapter one hundred and seventy-nine of the laws of 1876; section two of chapter one hundred and twenty-six of the laws of 1877, and section one of chapter one hundred and sixty-one of the general laws of 1878; also re-enacting section fourteen of chapter two of chapter four hundred and sixty-two of the laws of 1875.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three of chapter one of chapter two hundred and sixty-two of the laws of 1875, is hereby amended so as to read as follows: Section 3. All that part of said city lying south of a line commencing in the center of the channel of the Fox river, and running thence south sixty-four degrees east, through the center of the tier of blocks commencing with block number four, upon the recorded plat of Astor, of record in the register's office of the county of Brown, to the eastern boundary line of said city, shall be and constitute the first ward; all that part of said city bounded south by the first ward, as above described, west by the center line of the channel of Fox river, north by a line commencing in the center of the channel of said river, and running thence south sixty-four degrees east along the northern boundary line of lots number nine, thirty, forty-seven, sixty-eight and eighty-three as the same are laid down on the plat of Navarino, of record in the register's office of said county of Brown, to the west line of Jefferson street, thence in a northeasterly direction to the northwest corner of lots numbered five hundred and thirty-two on said last mentioned plat, thence south sixty-four degrees east, to the western boundary lines of Eleventh street in said city, thence in a northeasterly direction to a point on the eastern boundary line of said Eleventh street, in the center of St. Clair street at its junction with said Eleventh street, thence easterly along the center of said St. Clair street to the eastern terminus thereof, and thence south sixty-four degrees east to the eastern

Amended.

City and ward boundaries.

boundary of said city, and east by the boundary line of said city, shall be and constitute the second ward; and all the remaining parts of said city not included in the first and second wards, as above described, shall be and constitute the third ward.

Amended.

SECTION 2. Section ten of chapter three of said chapter two hundred and sixty-two is hereby amended so as to read as follows: Section 10. The treasurer of said city shall perform such duties and exercise such powers as may be required of him by the ordinances of said city and the laws of this state. He shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and of each fund separately, together with an account of all disbursements, in suitable books to be provided for that purpose, and in such manner as the common council shall direct. At the first regular meeting of the common council in each month, he shall make a report embracing a statement in detail of the receipts and disbursements in his office since the last preceding monthly report, an account of the general fund and of each fund which he is required to keep distinct and separate from other funds in the city treasury, and also the total receipts and disbursements during the same time, and the condition of each of said funds at the date of the report. Such reports, when made, shall be published with the proceedings of the common council. He shall disburse none of the money belonging to any of the funds of the city except by an order thereon, duly issued by direction of the common council, which order shall be signed by the mayor and countersigned by the clerk: *provided*, that the school fund may be drawn out as provided by other provisions of this act. He shall collect all general and special taxes and assessments which may be levied or assessed upon the real and personal property in the city, and exercise the same powers and be governed by the same laws, and be subject to the same liabilities as treasurers of towns, except when a special direction and duty is imposed by this act. The common council shall at its last regular meeting in March fix the salary of the treasurer to be elected at the next ensuing election, and the salary so fixed shall be payable monthly, and shall not be increased or diminished during the term. All sums received by the treasurer as fees, shall be paid by him into the general fund of the city, and when required by the common council, he shall make report, under oath, of all fees or other moneys received by him as treasurer.

Duties of treasurer.

Report of treasurer.

He shall collect taxes.

Common council to fix his salary.

SECTION 3. Chapter six of chapter two hundred and sixty-two of the laws of 1875 is hereby amended and re-enacted so as to read as follows: Amended.

CHAPTER VI.

CITY IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Special assessments for city improvements.

SECTION 1. Opening, grading, working, graveling, planking, replanking, paving and repaving of streets and alleys, to the center thereof, and the construction, reconstruction and rebuilding of sidewalks, shall be chargeable to and payable by the lots fronting on such street, alley or sidewalk; but no street or alley shall be opened, graded, graveled, planked or paved, or sidewalks constructed, unless upon the petition of a majority of the resident owners of the lots or parts of lots chargeable with the expense thereof, or by a two-thirds vote of the aldermen elect. The cost and expense of establishing grades, surveying streets, alleys or gutters, and of cleaning out gutters, and of estimating work thereon in the execution of any public improvement, shall be chargeable to and payable by the city. Gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon or abutting to the street along which said gutter shall be constructed: *provided*, that in all cases where improvements or work of any kind are charged, by virtue of this section, upon lots as aforesaid, all such improvements across streets, alleys and public grounds shall be made and paid for out of the general fund of the city.

Plans, etc., to be filed with city clerk.

SECTION 2. Whenever the common council shall determine to make any of the improvements mentioned in the preceding section, it shall cause plans and specifications of such improvement to be filed with the city clerk for the inspection of all parties interested. Upon the filing of such plans and specifications, the clerk shall immediately give one week's notice by publication in the official paper to the several owners and occupants of the lots or parts of lots chargeable with the expense of such improvements to do the work according to the plans and specifications on file, within a time specified in such notice, which shall in no case be less than fifteen days. If the improvement shall not be completed within the time specified, the clerk shall immediately advertise for proposals for doing the same; such advertisement shall be published in the official city paper, not less than one week. It shall state the nature of the improvement, the time within which it

must be completed, that plans and specifications thereof may be seen at the clerk's office, and shall also state when and up to what time bids will be received. All bids shall be opened in a general or special meeting of the common council. The council may authorize the clerk or any appropriate committee of its body to enter into contract for the making and completion of the improvement. All contracts shall be let to the lowest reasonable bidder, upon the completion of the work done under contract as provided in this section, and the acceptance thereof in writing by the street superintendent and committee on streets and bridges, the contractor shall be entitled to a certificate therefor, which shall be signed by the mayor and street superintendent, and countersigned by the city clerk, and which shall state the amount due for work done by such contractor, the nature thereof and a description of the lot or parcel of land upon which the same is chargeable; said certificate may be transferred by indorsement thereon; and if the amount thereof is not paid before the time of making out the annual assessment roll, such certificate may be filed with the city clerk, and if not paid, the amount thereof shall be assessed upon the said lots of land respectively, as a special tax, and shall be collected for the benefit of the holder of the said certificate, as other taxes on real estate are collected under this act. If notice to do the work required, shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate such assessment.

How contracts to be made.

Repair of streets and sidewalks.

SECTION 3. Whenever a sidewalk, graveled, planked or paved street, shall become so out of repair as to require rebuilding, regravelling, replanking or repairing, the common council may, by a two-thirds vote of the aldermen elect, so order, and the expense thereof shall be chargeable to the lots, and parts of lots, fronting upon that part of the street or alley where such rebuilding of sidewalk, or regravelling, replanking or repairing of street has been ordered; and the same proceedings for the doing and completion of the work and the payment therefor shall be had as provided in section two of this chapter.

Expense paid out of general fund.

SECTION 4. The expense of keeping streets and pavements or other surface thereof in repair shall be paid out of the general fund.

Proceedings to abate nuisance.

SECTION 5. The common council shall cause notice to be given to all owners or occupants of lots which may be deemed injurious to health by reason of stagnant water remaining thereon, or other cause; if resi-

dents, personally; if non-residents, in the official paper of the city for two weeks, to abate such nuisance by draining or filling such lots within a reasonable time therein to be specified, which shall in no case be less than ten days, and if such nuisance shall not be abated or removed within the time specified, the council shall cause the same to be abated or removed at the expense of the property upon which the same may exist, and to that end the same proceedings shall be had as provided in section two of this chapter, except as herein otherwise provided.

Duty of street superintendent

SECTION 6. It shall be the duty of the street superintendent to make frequent and careful inspections of of the streets, sidewalks, pavements, bridges and other public ways in all parts of the city, and whenever he shall find any defect or want of repair therein, he shall note the same in a book to be kept by him for that purpose. If such defect or want of repair be found to exist in a sidewalk, and will not cost to exceed five dollars to remove or put in repair, he shall forthwith notify, in writing, the owner or occupant of the premises abutting such sidewalk of the defect or want of repair, and in such notice require such owner or occupant to repair or remove the same within twenty-four hours after the services of such notice. If such defect shall not be repaired or removed within the time specified, the street superintendent shall cause the same to be done forthwith, and upon completion thereof, shall report to the city clerk the cost of such repair or removal of such defect, and a description of the premises chargeable with such cost. If such cost shall not be paid to said clerk at the time of the making out of the annual assessment roll, it shall be assessed against the lot or part of lot chargeable therewith, and be collected as other taxes on real estate are collected. If no resident owner or occupant of premises chargeable with the cost of removal or repair of a defect, as provided in this section, can be found, the street superintendent shall make such repairs or remove such defect without service of notice, and report as aforesaid. If, in the opinion of the superintendent, the cost of repairs or removing of such defect, mentioned in this section, shall exceed five dollars, he shall forthwith report such defect or want of repair to the committee on streets and bridges, which shall be a permanent committee of three of the common council, and shall be appointed by the mayor at the first meeting for organization each year. If, in its judgment, the defect or want of repair

exists, the said committee shall forthwith cause notice to be given to the owner or occupant of the lot or part of lot chargeable with the cost of such repair, or removal of such defect to repair or remove the same within a time therein to be specified, which shall in no case be less than forty-eight hours, and if not repaired or removed within the time specified, the street superintendent shall proceed as in the case of repairs or removal of defects costing not to exceed five dollars.

Sections of sidewalks.

SECTION 7. For the purposes of this act, a continous sidewalk, extending along two or more lots or parcels of lands shall be deemed to consist of, or be divided into, sections. A section shall be deemed to consist of that part of a sidewalk adjacent to any single lot or description of land, and the term sidewalk, as used in this chapter, shall be construed to mean such a section.

All work to be done under supervision of superintendent of streets.

SECTION 8. All work provided in this chapter shall be done under the supervision of the street superintendent, unless the common council shall otherwise direct. The street superintendent is authorized and empowered, and it shall be a part of his duties, to contract with the lowest bidder, for all material which the city may use in carrying out the provisions of this chapter.

When city not responsible.

SECTION 9. Where the work is ordered to be done at the expense of any lot or parcel of land for which payment is to be made in certificates as provided in section two of this chapter, the city shall in no event be held responsible for or on account thereof, in any action or proceeding for the collection or pay therefor.

How streets to be kept clean.

SECTION 10. Streets, sidewalks, and alleys shall be kept clean at the expense of the lots or parts adjacent thereto, and the common council may, by ordinance, adopt general rules and regulations relative thereto, requiring the owners or occupants of lots to keep such streets, sidewalks, and alleys clean, and enforce the same by proper and reasonable penalties.

Owners to keep sidewalks in repair.

SECTION 11. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

Legal remedies in case of injury

SECTION 12. In case of injury or damage by reason of insufficient, defective or dangerous condition of sidewalks, drains, sewers, gutters or ditches, produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such person or cor-

poration shall be primarily liable for all damages for such injury, in suit for the recovery thereof, by the person sustaining such damages, and the city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation.

How aldermen may order work done.

SECTION 13. If after having advertised for proposals to do the work as provided by said section two, no bids are received or filed as required by said section, the common council, by a two-thirds vote of the aldermen elect, may order the work to be done, and paid for out of the general fund. The amount so paid shall be assessed against the respective lots or parcels of land, as provided by said section two, in cases of unpaid certificates.

Amended.

SECTION 4. Section nine of chapter ten of said chapter two hundred and sixty-two is hereby amended so as to read as follows: Section 9. All property in in said city, real, personal, and mixed, except such as may be exempt by the laws of the state, shall be subject to taxation for all purposes authorized by law; and the same shall be assessed annually by the assessors elected under this act. In making such assessments and his return thereon, and in making re-assessments or assessing property omitted previous years, the said assessor shall have the same powers and be subject to the same duties as town assessors, and shall in all things be governed by the general laws of this state in relation to the assessment of taxes, except as far as they may be altered by this act: *provided, however*, that the common council may prescribe the form of assessment rolls and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as it may from time to time deem advisable.

Property subject to taxation.

Common council may prescribe form of assessment.

Amended.

SECTION 5. Section eleven of said chapter ten is hereby amended so as to read as follows: Section 11. All taxes and assessments, general or special, levied under this act shall be and remain a lien upon the tenements upon which they may be assessed from the time of the final completion of the assessment roll, and on all personal property of any person or body politic assessed for personal taxes from the date of the warrant for collection thereof, until such tax shall be paid, and no transfer of such real or personal property shall affect such lien.

Taxes to remain a lien on property till paid.

Amended.

SECTION 6. Section twelve, of said chapter ten, is hereby amended so as to read as follows: Section 12.

Duties of assessor.

The assessor shall complete and return his assessment roll to the board of equalization of said city, on or before the first Monday in August, each year. During the last week of the month of July, in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

Amended.

In case of re-entry of real estate.

SECTION 7. Section thirteen, of said chapter ten, is hereby amended so as to read as follows: Section 13. In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases where property shall be re-assessed or re-assessable, as provided by the general laws of this state, the common council shall in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted, or such re-assessment had not been necessary.

Amended.

Who to constitute board of equalization.

SECTION 8. Section fourteen of said chapter ten is hereby amended so as to read as follows: Section 14. The mayor, clerk and assessor, shall constitute a board of equalization, and shall meet at the chamber of the common council on the first Monday of August, in each year, and shall proceed in all respects as town boards are by law required to proceed.

Amended.

Of the completed tax roll.

SECTION 9. Section seventeen of said chapter ten is hereby amended so as to read as follows: Section 17. Upon completion of said roll, the clerk shall make a duplicate copy thereof, and deliver the same to the city treasurer on or before the second Monday in December, each year. To the roll so delivered shall be annexed a warrant, under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the form prescribed by the general laws of this state, to be delivered to town treasurers.

Repealed.

SECTION 10. Sections twenty, thirty, thirty-one and thirty-three of said chapter ten are hereby repealed.

Repealed; when to take effect.

SECTION 11. Sections twenty-one, twenty-two, twenty-three and twenty-seven of said chapter ten are hereby repealed: *provided, however*, that such repeal shall not take effect until the first day of August, 1880.

Repealed.

SECTION 12. Section twelve of chapter one hundred and seventy-nine of the laws of 1876 is hereby repealed.

Amended.

Judgments.

SECTION 13. Section fifteen of chapter one hundred and seventy-nine of the laws of 1876 is hereby amended so as to read as follows: Section 15. Judg-

ments against said city shall be collected in the same manner as judgments against towns.

SECTION 14. Section two of chapter one hundred and twenty-six of the laws of 1877 is hereby repealed. Repealed.

SECTION 15. Section one of chapter one hundred and sixty-one of the general laws of 1878 is hereby repealed, and section fourteen of chapter two, laws of 1875, is hereby re-enacted and declared to be in full force and effect: *provided*, that the term of the city treasurer now in office shall not expire until August, 1880. Repealed. Re-enacted.

SECTION 16. From and after the first day of August, 1880, no lands or real estate shall be advertised for sale or be sold by the city treasurer of said city for the nonpayment of taxes; but all such sales shall be made by the county treasurer of Brown county, as provided by the general laws of this state. If the city treasurer shall be unable to collect any taxes mentioned in the tax roll annexed to his warrant within the time prescribed by the general laws of this state, he shall make returns thereof to said county treasurer in substantially the same manner and form as town treasurers are required by law to do, and the county treasurer shall thereupon proceed in respect thereto as in the case of the return of delinquent taxes by town treasurers. County treasurer to make sales for nonpayment of taxes after August 1, 1880.

SECTION 17. All tax certificates belonging to the city of Green Bay on the thirty-first day of July, 1880, shall continue and remain the property of the city and may be sold and transferred by the city treasurer in the same manner as heretofore, and nothing contained in this act shall be construed so as to limit the right now existing in such treasurer to make such sale or transfer, nor shall any repeal, amendment or alteration of the said city charter by this act in any manner change the mode or limit the right now existing in the city treasurer to receive redemption money, issue redemption certificates, cancel tax certificates, and issue tax deeds in case of all tax sales of real estate made by the said treasurer prior to the first day of August, 1880, but in respect thereto he shall have, exercise and perform all the right power and duty as fully and in the same manner as though this act had not been passed. Of tax certificates.

SECTION 18. The salaries of all city officers of said city shall be paid monthly. Salaries of city officers.

SECTION 19. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two thirds vote of the aldermen elect. Appointive officers; may be removed.

Duties of assessor.

The assessor shall complete and return his assessment roll to the board of equalization of said city, on or before the first Monday in August, each year. During the last week of the month of July, in each year, the assessor shall attend at the chambers of the common council for the purpose of hearing the complaints of persons who may feel themselves aggrieved by such assessment, and shall make alterations and such amendments thereto as justice and equity may require.

Amended.

SECTION 7. Section thirteen, of said chapter ten, is hereby amended so as to read as follows: Section 13.

In case of re-entry of real estate.

In all cases of the re-entry of real estate omitted from assessment for previous years, and in all cases where property shall be re-assessed or re-assessable, as provided by the general laws of this state, the common council shall in addition to the taxes of the current year, levy and collect such taxes as such omitted lands ought properly to have paid, in case they had not been omitted, or such re-assessment had not been necessary.

Amended.

SECTION 8. Section fourteen of said chapter ten is hereby amended so as to read as follows: Section 14.

Who to constitute board of equalization.

The mayor, clerk and assessor, shall constitute a board of equalization, and shall meet at the chamber of the common council on the first Monday of August, in each year, and shall proceed in all respects as town boards are by law required to proceed.

Amended.

SECTION 9. Section seventeen of said chapter ten is hereby amended so as to read as follows: Section 17.

Of the completed tax roll.

Upon completion of said roll, the clerk shall make a duplicate copy thereof, and deliver the same to the city treasurer on or before the second Monday in December, each year. To the roll so delivered shall be annexed a warrant, under the hand of the clerk and the corporate seal of the city, which warrant shall be substantially in the form prescribed by the general laws of this state, to be delivered to town treasurers.

Repealed.

SECTION 10. Sections twenty, thirty, thirty-one and thirty-three of said chapter ten are hereby repealed.

Repealed; when to take effect.

SECTION 11. Sections twenty-one, twenty-two, twenty-three and twenty-seven of said chapter ten are hereby repealed: *provided, however*, that such repeal shall not take effect until the first day of August, 1880.

Repealed.

SECTION 12. Section twelve of chapter one hundred and seventy-nine of the laws of 1876 is hereby repealed.

Amended.

SECTION 13. Section fifteen of chapter one hundred and seventy-nine of the laws of 1876 is hereby amended so as to read as follows: Section 15.

Judgments.

Judg-

ments against said city shall be collected in the same manner as judgments against towns.

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SECTION 16. From and after the first day of August, 1880, no lands or real estate shall be advertised for sale or be sold by the city treasurer of said city for the nonpayment of taxes; but all such sales shall be made by the county treasurer of Brown county, as provided by the general laws of this state. If the city treasurer shall be unable to collect any taxes mentioned in the tax roll annexed to his warrant within the time prescribed by the general laws of this state, he shall make returns thereof to said county treasurer in substantially the same manner and form as town treasurers are required by law to do, and the county treasurer shall thereupon proceed in respect thereto as in the case of the return of delinquent taxes by town treasurers. County treasurer to make sales for nonpayment of taxes after August 1, 1880.

SECTION 17. All tax certificates belonging to the city of Green Bay on the thirty-first day of July, 1880, shall continue and remain the property of the city and may be sold and transferred by the city treasurer in the same manner as heretofore, and nothing contained in this act shall be construed so as to limit the right now existing in such treasurer to make such sale or transfer, nor shall any repeal, amendment or alteration of the said city charter by this act in any manner change the mode or limit the right now existing in the city treasurer to receive redemption money, issue redemption certificates, cancel tax certificates, and issue tax deeds in case of all tax sales of real estate made by the said treasurer prior to the first day of August, 1880, but in respect thereto he shall have, exercise and perform all the right power and duty as fully and in the same manner as though this act had not been passed. Of tax certificates.

SECTION 18. The salaries of all city officers of said city shall be paid monthly. Salaries of city officers.

SECTION 19. All officers appointed by the mayor or common council may be removed at the pleasure of the council by a two thirds vote of the aldermen elect. Appointive officers; may be removed.

Amended.

Elective officers.

SECTION 20. Section one of chapter two of said chapter two hundred and sixty-two, is hereby amended so as to read as follows: Section 1. The elective officers of said city shall be a mayor, three aldermen from each ward, a city treasurer, a chief of police, city clerk, city attorney, assessor, and three justices of the peace for the city at large; one of said justices shall be elected as and called police justice. All other officers necessary for the proper management of the affairs of said city shall be appointed by the common council.

Appointive officers.

Of relief of and support of poor

SECTION 21. The laws of the state for the relief and support of the poor in towns, shall apply to said city of Green Bay, and the common council shall appoint at least three of its number, who shall organize and act as a poor board, with the mayor as president thereof; such board shall be governed by such rules as the common council may prescribe, and in respect to the poor of the city shall have the same powers, be subject to the same liabilities and governed by the same laws as supervisors of towns.

SECTION 22. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 211, S.] [Published March 23, 1880.]

CHAPTER 286.

AN ACT to amend chapter two of chapter seventy-two of the private and local laws of 1858, entitled an act to incorporate the city of Ripon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Question of license or no license to be submitted to vote of city.

SECTION 1. Chapter two of chapter seventy-two of the private and local laws of 1858, is hereby amended by adding thereto the following sections, to-wit: Section 9. At each annual election of mayor and aldermen of the city of Ripon, the question of granting or not granting licenses for the sale of strong, spirituous, malt, ardent or intoxicating liquors to be drunk on the premises, for the next ensuing year, shall be submitted for decision to the qualified voters of said city in the manner hereinafter provided.

Separate ballot box.

SECTION 2. Section 10. At every such election the inspectors of election shall provide a separate ballot box, in which each voter may deposit one ballot, said ballot to contain either the words "For license," or the words "Against license." At the close of the election these ballots shall be canvassed and the returns made

in the same manner and to the same authorities as is provided in the case of the ballots cast for mayor and other city officers.

When majority for license.

SECTION 3. Section 11. If the majority of the whole number of said ballots deposited shall be for license, then the common council elected at said election shall grant so many such licenses as it shall deem expedient: *provided*, that no license shall be granted for a less sum than is prescribed by section one thousand five hundred and forty-eight of the revised statutes, and no license shall run for a longer period than the term of the council granting it.

When majority against license.

SECTION 4. Section 12. If the majority of the whole number of said ballots deposited shall be against license, then no such license shall be granted during the next ensuing year; and it shall be the duty of the common council to use all means in its power to prevent the illegal sale of strong, spirituous, malt, ardent or intoxicating liquors; and to this end it may make and enforce any ordinance not repugnant to the constitutions of the United States and of Wisconsin.

Penalty for selling without license.

SECTION 5. Section 13. Any place in which strong, spirituous, malt, ardent or intoxicating liquors are sold without the license required by law shall be deemed public or common nuisances; and whenever it shall be proved to the satisfaction of the common council that said liquors are sold without license in any place in said city of Ripon, it shall order the party owning or the party leasing said premises, or both the said parties, to abate such nuisance by removing from said premises the stock of liquors and the bar and other instruments of sale, within such time and under such penalties as the common council may by ordinance prescribe.

Repealed.

SECTION 6. All acts or parts of acts conflicting herewith are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 191, S.] [Published March 20, 1880.]

CHAPTER 287.

AN ACT to repeal sections five and six of chapter one hundred and ninety-two of the general laws of 1879, in relation to game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repealed.

SECTION 1. Sections five and six of chapter one hundred and ninety-two of the general laws of 1879,

entitled "an act to regulate the sizes of meshes of nets used in the waters of lake Michigan, and the waters of Green Bay and the waters of lake Superior, and for the better enforcement of the fish and game laws of the state, and to repeal section four thousand five hundred and sixty-three of the revised statutes," are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 260, S.] [Published March 22, 1880.]

CHAPTER 288.

AN ACT to authorize the commissioners of public lands to loan a portion of the trust funds of the state to the city of Green Bay, Brown county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amount of loan $50,000.

SECTION 1. The commissioners of the public lands are hereby authorized to loan a portion of the trust funds of this state, not exceeding fifty thousand dollars, to the city of Green Bay, in the county of Brown, and the said city is hereby authorized to borrow of said commissioners said amount, and to issue to said commissioners certificates of the indebtedness so contracted. Said indebtedness shall bear interest at the rate of seven per cent. and said interest shall be paid annually. On and after five years from the date of said indebtedness, one fifteenth of said indebtedness together with said interest shall be paid annually thereafter until the whole of said indebtedness is paid.

Duty of secretary of state.

SECTION 2. Each and every year, until the whole loan be repaid, the secretary of state shall, when he apportions the state tax among the several counties of the state, and certifies the same to the county clerks, add to the state tax which would be properly chargeable to the county of Brown, the annual interest due the state on such loan, and in each year after five years from the date of said certificates of indebtedness, in addition to said interest, he shall also add one-fifteenth of the principal sum so loaned. It shall be the duty of the county clerk of said county of Brown, on receiving a certified statement of the amount so due from the city of Green Bay, to include said amount in his apportionment of the state taxes to said city, and the same shall be levied and collected out of the taxable property of said city, and paid over to the county

treasurer of the county of Brown, and by him to the state treasurer, in the same way and at the same time as other state taxes are collected and paid.

SECTION 3. It is hereby provided that said city of Green Bay shall never, during the period for which said loan shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted, as well as that herein authorized, than five per centum on the value of all taxable property in said city, to be ascertained by the last assessment for state and county taxes previous to incurring the indebtedness authorized by this act. City indebtedness limited.

SECTION 4. Before contracting any indebtedness hereunder, and before any of said trust funds shall be delivered to said city of Green Bay, in exchange for said certificates of indebtedness, the board of aldermen of said city shall by resolution accept the provisions of this act, and the terms and limitations herein provided, and shall file with the secretary of state a copy of said resolution, certified by the clerk of said city. The certificates of indebtedness hereinbefore provided for shall be made payable to the commissioners of the public lands, and shall be signed by the mayor of said city, and countersigned by the clerk thereof. All moneys obtained in exchange for said certificates shall be used for the purpose of paying the bonded indebtedness of said city of Green Bay, and for no other purpose. Board of aldermen to accept provisions of this act. How certificates of indebtedness made payable.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 262, S.] [Published March 23, 1880.]

CHAPTER 289.

AN ACT to regulate the disbursement of public money in certain cases, and prescribing penalties for misappropriation thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There shall be annexed to the estimates now required by section one hundred and seventy-two of the revised statutes, to be made by the board of directors, trustees or managers of each of the several institutions in said section named or referred to, a statement in detail, verified by the oath of some person cognizant of the facts, showing the amount of money of the state in the possession or under the control of the Statement showing moneys in possession.

officers or employes, or any of them, of the institution for which the estimate is made, and the fund or appropriation of which the same is part and parcel. The secretary of state shall deduct from the sums estimated as necessary for the payment of the expenses of such institution for the next calender month, the amounts so reported on hand which are applicable to the payment of such expenses or any part of them, and draw his warrant for the amount remaining after making such deductions, and in no case shall any warrant be drawn upon any estimates which are not accompanied by the verified statement herein provided for.

Duty of secretary of state.

Diversion of funds unlawful.

SECTION 2. From and after the passage of this act, it shall be unlawful for any board of directors, managers or trustees, or any member or committee thereof, to authorize, direct or approve the diversion, use or expenditure, either directly or indirectly, of any funds, money or property belonging to or appropriated or set apart by law for the current expenses, repairs, improvements or other specific use of the state prison, the industrial school for boys, the state hospital for the insane, the northern hospital for the insane, the institution for the education of the blind, the institution for the education of the deaf and dumb, or any other charitable or penal institution that may now or shall hereafter exist or be established in this state, to or for any other purpose or object than that for which the same has been or may be appropriated by law, nor shall any superintendent, treasurer, warden or other officer, agent or employe of any such institution pay out, divert, use or expend, either directly or indirectly, any such funds, money or property, except as specifically provided or authorized by law.

Unauthorized contracting of debts prohibited.

SECTION 3. It shall also be unlawful for any board of directors, managers or trustees, or any member or committee thereof, or any superintendent, treasurer, warden or other officer, agent or employe having the control or management in whole or in part, of any of the institutions named or referred to in said section one hundred and seventy-two of the revised statutes, or in this act, to contract or assume to contract, create or assume to create, either directly or indirectly, any debt or liability against this state or such institution, for or on account of said institutions, or either of them, for any purpose whatever, without authority of law therefor, or prior to an appropriation of money having been made by the state to pay the same, except in cases of accident or other great emergency, or when in case any

appropriation for current expenses is insufficient, and then only by and with the advice and consent of the governor, the attorney general, and the secretary of state. Nothing herein contained shall be so construed as to prevent the employment of the ordinary labor of any state institution to aid in the prosecution of work for which special appropriations have been made, provided, always, that the current expense shall not be increased thereby.

SECTION 4. If any person shall offend against or violate any of the provisions of this act, he shall, upon conviction thereof, be punished by fine not to exceed one thousand dollars, nor less than one hundred dollars. Penalty for violation.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 39, S.] [Published March 22, 1880.]

CHAPTER 290.

AN ACT to promote the development of the unsettled portions of northern Wisconsin and to encourage the building of railroads therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any railroad company which shall first construct a railroad across northern Wisconsin, from Ashland or any point on lake Superior, between townships forty-seven and fifty-one north, and east of range six west, on lake Superior, to a junction with the northern Pacific railroad, and shall run cars over the same, within three years from the passage of this act, shall be relieved from the payment of any license fees on said road, between said northern Pacific railroad and the point on lake Superior above designated, for the period of ten years from the date of its completion. Special inducements for building railroad.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 183, S.] [Published March 25, 1880.]

CHAPTER 291.

AN ACT relating to the equalization of assessments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The mayor and common council of City and village

authorities may secure appointment of commissioners to determine the ercentage.

any city, the president and board of trustees of any village or supervisors of any town, who may consider such city, village or town aggrieved by the action or decision which may have been heretofore, or shall hereafter be made or taken, under section one thousand and seventy-three of the revised statutes of 1878, by the board of supervisors of the county wherein such city, village or town is located, may apply at any time within one year from the time when such action or decision may have been or shall be made or had, to the circuit judge of the judicial circuit wherein such county is situated for the appointment of three commissioners to review the same and to examine and determine what sum upon the hundred dollars should be added to or deducted from the aggregate valuations thereof as made by the said county board of supervisors, in order to produce a just relation between all the valuations of real estate in said county; but such commissioners shall, in no instance, increase the aggregate valuation of all the towns, cities and villages above the aggregate valuations thereof as made by the said county board of supervisors.

Application for appointment of same.

SECTION 2. Notice of such application shall be given to the board of supervisors of said county by service of such notice upon its county clerk at least two weeks immediately previous to the time when such application shall be made; the county clerk shall thereupon send by mail, or serve personally upon each member of the county board of supervisors, a copy of such notice.

Duty of circuit judge.

SECTION 3. Upon due proof of the service of such notice upon the county clerk as aforesaid, and upon the presentation of a petition, briefly stating the facts, the said judge shall appoint three discreet freeholders, not residents or owners of real estate in said county, who shall proceed to review and examine, as specified in the first section of this act, and shall within three months after receiving notice of their appointment, make the determination therein requested, and file a certificate of the same under their hands, in the office of the county clerk of said county. The valuation so determined shall be final and conclusive; and in the assessment and collection of taxes for the next following year, each town, village or city in said county shall be credited with an amount equal to the amount that it has or shall have been charged with on any excess of valuation as determined by said commissioners, and each town, village or city that has or shall have been

Duty of commissioners.

charged with a less amount of taxes on account of an undervaluation, shall be charged in addition to all other taxes with an amount equal to such deficiency, which amount shall be carried out and collected as other taxes.

Oath and compensation of commissioners.

SECTION 4. The said commissioners, before proceeding to the discharge of their duties, shall severally take and subscribe an oath or affirmation, faithfully and impartially to discharge their duties under this act; they shall be entitled to receive four dollars each for every day in which they shall be actually employed in the discharge of their said duties, in addition to their actual expenses; the same with all other expenses connected with the making of the application and the subsequent proceedings, to be audited and allowed as a county charge by the county board of supervisors, and to be paid in the same manner as other county charges are paid; if, however, the decision of the commissioners is adverse to the city, town or village making the appeal, such city, town, or village shall reimburse the county for all expenses so paid.

Application of these provisions.

SECTION 5. This act shall apply to the action or decision of any county board made or taken during the year 1879, as well as to future actions or decisions, and shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 192, S.] [Published March 20, 1880.]

CHAPTER 292.

AN ACT to amend chapter one hundred and seventy-one of the private and local laws of 1868, entitled an act to incorporate the Wisconsin river improvement company, and to amend chapter two hundred and ninety-eight of the laws of 1876, amendatory thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. For the purpose of facilitating and cheapening the driving and floating of logs and timber and lumber in the Wisconsin river, the Wisconsin river improvement company is hereby authorized to erect and maintain a dam or dams on the said Wisconsin river at such places on said river between the head of Grandfather Bull falls and the mouth of Eagle river as may seem advisable for the purpose of flooding and creating reservoirs of water for driving purposes.

Slides and flooding gates.

SECTION 2. The said company shall build suitable slides and chutes in said dam or dams for running logs and timber over the same, and shall keep the same in repair. Suitable and sufficient gates shall be provided to discharge water through the same for flooding purposes, and the same shall be kept open at all times when the river is in a driving stage, and when it is not necessary to hold the water in reserve for the purpose of driving or flooding logs, timber or lumber below said dam or dams. Such flood gates shall be kept in repair by said company, and constructed in such manner as to be shut or open, as the case may require, to obtain the greatest possible beneficial use of the water for flooding purposes.

May purchase dams, etc.

SECTION 3. The said Wisconsin river improvement company is hereby authorized to acquire by gift, grant, purchase or otherwise, any dam or dams already built on said rivers between the points aforesaid, and have, use and hold the same for the purposes aforesaid.

Control of dams

SECTION 4. The control of said dam or dams, the slides and gates of the same, shall belong to the said company, but always subject to the provisions of this act.

May consolidate with other companies.

SECTION 5. The said company is hereby empowered to consolidate with any other company or association created for the purpose of improving the navigation of said river, or running or driving logs thereon, upon such terms and conditions as may be agreed upon by said company and such other company, corporation or association as may desire such consolidation.

May fix tolls.

SECTION 6. The said company is hereby authorized to divide its improvements into sections for log driving purposes, and fix tolls for the use of each of such sections and in adjusting such tolls, may take into consideration the amount expended in the construction or acquisition, and maintaining any such dam or dams by it constructed or acquired, for the use of its said improvements, and the probable benefits to the navigation of each such section by the waters held and stored by means of such dam or dams, shall be considered in fixing such tolls, provided the same shall be reasonable and proportionate to the benefits.

Capital stock.

SECTION 7. The board of directors may, at any special meeting called for that purpose, diminish the capital stock of said corporation an amount not exceeding fifty per cent., provided that such reduction shall not be valid without the written consent of the holders of a majority of such stock.

SECTION 8. The said corporation shall have authority, and is hereby authorized by its officers, agents and servants to enter upon any land or premises for the purpose of exploring, surveying, locating or determining when, and the places where improvements should be made, and to enter upon, take possession of, use, occupy and enjoy any property, lands and premises along the banks of said Wisconsin river, and for the purpose of making the improvements contemplated in its charter or any of them; and for the convenient operation of the business of said company, may improve the said river by removing obstructions, breaking jams, deepening, widening and straightening the channel, closing up chutes, side cuts and side channels, so as to confine the waters of said river in one main channel, and in case the owner of the property so taken and entered upon, and said company, cannot agree as to the value of the premises so taken by said company, for the purpose of acquiring such title and right, said company may file a petition praying for the appointment of commissioners of appraisal by the circuit court or the judge thereof, of the county in which the real estate described in said petition is situate, which petition must be signed and verified by the attorney or some authorized officer of said corporation, and shall contain a description of the land sought to be acquired, the name of the parties who own and occupy said real estate, as near as may be, and if such persons are infants, their age, as near as may be, and if they are persons of unsound mind, or unknown, these facts shall be stated, with such other facts as shall be deemed fit, which petition shall be filed in the office of the clerk of the circuit court of the county in which such real estate is so situated, which shall be the commencement of a suit in said court. Upon the filing of said petition, the said court or a judge thereof shall make an order prescribing the notice to be given of the time and place of hearing said petition, which shall state the filing of such petition, the object thereof, and shall contain a description of the lands described in the petition, and shall be addressed to the parties named in said petition, and to all persons interested in said lands, so far as known, and may be served personally, or at the usual abode of such owners and parties interested, not less than five days before such hearing, or by publication in some newspaper to be designated by said judge or court, not less than ten days before the date fixed for the hearing

May take possession of land for improvements.

Appointment of commissioners.

Order of court or judge.

Persons may show cause against granting petition.

of such petition. On presenting such petition to the court or judge, with proof of service or publication of notice as aforesaid, any person whose estate or interests are to be offected by said proceedings may show cause against granting the prayer of the petition. If it shall appear on said hearing that any of such persons are infants, idiots, or persons of unsound mind, the court or judge may, on notice to the guardian, if they have any, and if not, without further notice appoint a guardian ad litem, to act for said minor, idiot, or person of unsound mind in said proceeding, and require him to give security. The court or judge shall hear the parties interested, and may adjourn from time to time as shall be convenient, and shall determine whether said company is entitled to take the whole or any part of the land sought to be acquired, and if no sufficient cause is shown against granting the prayer of the petition, shall make an order appointing three disinterested and competent freeholders, who reside in the county, or some adjoining county, where the premises to be appraised are situated, commissioners to ascertain and appraise the compensation to be made to the owners or persons interested in the real estate determined necessary to be taken in such county for the purposes of the company, and may fix therein the time and place for the first meeting of the commissioners. The said commissioners shall, before entering on the discharge of their duties, take and subscribe an oath that they will support the constitution of the United States and the constitution of the state of Wisconsin, and faithfully discharge their duties as such commissioners to the best of their ability. Whenever requested in writing by or on behalf of the company or any person interested in any tract of land described in the petition, but not otherwise, they shall proceed to perform their duties in respect to the land mentioned in such request, and a majority of them may adjourn the proceedings, as to any particular tract of land, from time to time, at their discretion. Upon such request they shall cause notice to be given to each party interested of the time when and place where they will meet to consider the amount of compensation to which the land owner is entitled, which notice shall be personally served on such party or his authorized agent or attorney or guardian ad litem, or by leaving the same at his residence or place of business, with a person of suitable age and discretion, at

Court to hear p rties.

least six days before the time of such meeting, and to the attorney or proper agent of the company, when requested to act by any other party, if such party is a non-resident of this state, or his residence is unknown, and he has no authorized agent or attorney in this state known to such commissioners, such notice shall be published in a newspaper as aforesaid, for such length of time as the court or judge appointing said commissioners shall direct. The commissioners shall file proof of serving such notices, or the appearance of such parties before them, either personally or by attorney, with their report, but it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to the adjournment. The commissioners shall view such of the premises described in the petition as are described in said written request, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each such tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate estate therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners therefor. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after last viewing any lands so taken, make and file in the office of the clerk of the circuit court of such county, a report of their proceedings concerning such lands, making separate reports in relation to the lands of each distinct owner, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. Said commissioners shall be entitled to such compensation as the court may direct, which shall be paid by said company. Within thirty days after the filing of the report of the commissioners in the office of the clerk of such circuit court, any party may appeal to such circuit court from any award made by the commissioners by filing in the office of said clerk a written notice of appeal. Upon his receiving such notice, the appeal shall be considered an action pending in court, subject to a change of the place of trial, and appeal to the supreme court, as other actions, and shall be entered by the clerk upon the records of the court, by setting down the owner or owners of the land for which such award was made and who are parties to the appeal, as plaintiffs, and the said company as defendant. Such appeal shall be tried by jury, unless a trial

Duty of commissioners.

Majority of commissioners competent to determine.

Parties may appeal.

by jury is waived by both parties; costs shall be allowed to the successful party on such appeal, and, if in favor of the plaintiff, be added to the amount of the verdict; if in favor of the defendant, be deducted therefrom, and judgment shall be rendered thereon according to the rights of the parties. The report of the commissioners shall be recorded by the clerk, in whose office the same is filed in the judgment book of such court: and at any time after the making of such award, the said company may pay to the owners of the land so taken, or to the clerk of said court, for the use of such owners, the amounts awarded by the commissioners, and thereupon may enter upon, take and use the land for the purposes for which it was condemned, and may move said court or judge, upon twenty-four hours' notice, that a writ of assistance may be issued to put such company into possession of the same; and said court or judge shall, upon the corporation giving security in such additional amount as the court or judge shall require to pay any judgment which shall be recovered against it on appeal, award such writ. If such company be in possession, or be put in possession of such land, pending an appeal, the owners, or parties entitled thereto, shall be entitled to receive the money paid into court on account of the award appealed from, without prejudice to the appeal taken; but if the corporation shall have appealed, such money shall only be so withdrawn, upon filing a bond in such sum and with such surety as shall be approved by the court or judge to repay the amount by which such award shall be abated, with costs. If such corporation shall omit for the space of sixty days to pay the amount so awarded into court, or to pay into court the amount of any final judgment which shall be rendered upon any appeal from such award, the party interested in such award or judgment may have execution upon said judgment, without motion, or for the amount of such award upon motion. If any defect of title to or incumbrance upon any parcel of the premises shall be suggested in said petition, or if any party to said proceeding, or any person not a party, shall petition the said court, setting up a claim adverse to the title set out in said petition to said premises and to the money, or any part of it, to be paid as compensation for the property so taken, the court shall hear and determine the rights of the parties to said money, and for that purpose may order a reference or an issue to be tried by a jury. Either

Payment of damages.

Omission of payment of damages.

party may except to the decision of the court, and appeal to the supreme court, in like manner as in actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party. When no appeal shall be taken from any award within the time provided by law, and the corporation shall have paid the amount thereof into the court, or filed a receipt therefor, duly signed by the owner, and acknowledged before an officer authorized to take the acknowledgment of deeds, in the office of the clerk of the court, or when, after the determination of such an appeal, the corporation shall have paid into court the amount of the judgment rendered thereon, or filed a receipt therefor as aforesaid, the clerk of said court shall make a minute of such payment, or of the filing of such receipt, at the foot of the record of the report of such commissioners in the judgment book of said court; and thereupon the exclusive use of said premises and every parcel and part thereof, shall vest in such corporation, its successors and assigns, so long as used for the purposes of said company, without any other or further act, deed or conveyance; and said record, or a certified copy thereof, shall be prima facie evidence of such title, in all courts and places. In case such company shall not have acquired title to the lands upon which they have constructed their works or any part thereof, or if at any time after an attempt to acquire title by purchase, eminent domain or otherwise, it shall be found that the title thereby acquired is defective, the corporation may proceed to acquire or perfect such title in the manner hereinbefore provided, and at any stage of such proceedings, the court in which the same may be pending, or the judge thereof, may authorize such company, if in possession, to continue in possession, and if not in possession, to take possession and use such lands during the pendency of such proceedings, and may stay all actions or proceedings against such corporation on account thereof, on its paying into court a sufficient sum, or giving such security as such court or judge may direct to pay the compensation therefor when finally ascertained; and in every such case the party interested in such lands may institute and conduct the proceedings to a conclusion, if the corporation delays or omits to prosecute the case at its cost and expense, but no injunction to restrain the completion or operation of the said works shall be granted until such compensation has been fixed and determined.

Property to vest in person or corporation paying award.

In case of defective title of corporation.

The court or the judge shall have power at any time to amend any defect or informality in any of the special proceedings authorized by this chapter, as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest, as it deems proper, and also to appoint other commissioners in place of any who shall die, or refuse or neglect to serve, or be incapable of serving.

Corporation may issue bonds.

SECTION 9. For the purpose of enabling the said corporation to make the improvements contemplated in its charter, and the acts amendatory thereof, the said corporation, by its board of directors, may issue and dispose of its corporate bonds to an amount not exceeding twenty-five thousand dollars in the aggregate, payable at a time to be fixed in such bonds, bearing interest at a rate not to exceed eight per cent. per annum, and to secure such bonds by a trust deed upon all the improvements, rights and franchises of the said corporation under its charter.

May negotiate and dispose of same.

SECTION 10. The said corporation is hereby authorized to negotiate and dispose of such bonds, or any part thereof on such terms as may be agreed upon, and at such rates of interest.

Payment of principal and interest of bonds.

SECTION 11. Sufficient of the revenues of the said corporation arising from its said improvements to pay the interest upon such bonds as the same accrues, and to pay the principal thereof, shall be set apart for that purpose as fast as such interest or principal becomes due, and shall be applied to no other purpose.

Preferred stock

SECTION 12. The said corporation, through its board of directors shall have power, and is hereby authorized to issue an amount of preferred stock not exceeding twenty-five thousand dollars, upon such terms and conditions as shall be deemed advisable by such board of directors, which order or determination as to the terms and conditions upon which such stock may be issued, shall be entered of record in the books of the corporation before any such stock shall be issued.

Repealed.

SECTION 13. All acts and parts of acts conflicting with the provisions hereof are repealed.

SECTION 14. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

arty may except to the decision of the court, nd appeal to the supreme court, in like manner s in actions. Either court may award costs to the revailing party, and render judgment therefor against he other party. When no appeal shall be taken from ny award within the time provided by law, and the orporation shall have paid the amount thereof into he court, or filed a receipt therefor, duly signed by the wner, and acknowledged before an officer authorized o take the acknowledgment of deeds, in the office of he clerk of the court, or when, after the determination f such an appeal, the corporation shall have paid into ourt the amount of the judgment rendered thereon, r filed a receipt therefor as aforesaid, the clerk of said ourt shall make a minute of such payment, or of the ling of such receipt, at the foot of the record of the eport of such commissioners in the judgment book f said court; and thereupon the exclusive use of said premises and every parcel and part thereof, shall vest n such corporation, its successors and assigns, so long s used for the purposes of said company, without ny other or further act, deed or conveyance; and aid record, or a certified copy thereof, shall be prima facie evidence of such title, in all courts and places. In case such company shall not have acquired title to the lands upon which they have constructed their works or any part thereof, or if at any time after an attempt to acquire title by purchase, eminent domain or otherwise, it shall be found that the title thereby acquired is defective, the corporation may proceed to acquire or perfect such title in the manner hereinbefore provided, and at any stage of such proceedings, the court in which the same may be pending, or the judge hereof, may authorize such company, if in possession, to continue in possession, and if not in possession, to take possession and use such lands during the pendency of such proceedings, and may stay all actions or proceedings against such corporation on account thereof, on its paying into court sufficient sum, or giving such security as such court judge may direct to pay the compensation therefor when finally ascertained; and in every such case the party interested in such lands may institute and conduct the proceedings to a conclusion, if the corporation delays or omits to prosecute the case at its cost and expense, but no injunction to restrain the completion operation of the said works shall be granted until such compensation has been fixed and determined.

Property to vest in person or corporation paying award.

In case of defective title of corporation.

the same, they having first procured permission of said owners to do so.

Toll.

SECTION 5. The rates charged for crossing said ferry, shall not exceed the following rates, except to those who cross between the hours of eight o'clock P. M. and five o'clock A. M.: For each foot passenger, twenty-five cents, for each horse, mare, mule, ox or cow, fifty cents; for each two horse, two mule or two ox team, loaded or unloaded, with or without driver, one dollar; for each single horse and carriage, with or without driver, seventy-five cents; for each additional horse, mare, mule, cow or ox, fifteen cents; for each sheep or swine, five cents. All freight of merchandise or other articles not in teams, at the rate of ten cents per hundred weight, when the same is delivered by one person; and one and one-fourth dollars per thousand feet for lumber.

Penalty for overcharge.

SECTION 6. If said parties, their heirs and assigns or any ferrymen or other person employed by them shall take, exact or receive, any greater or higher rate of ferriage for transporting persons, goods or chattels or other things whatsoever, than is allowed by this the said corporator, his heirs or assigns, shall be to the party aggrieved in the sum of five dollars every such act, which may be recovered by justice of the peace of said county.

Penalty for maintaining unauthorized ferry.

SECTION 7. If any person shall, after the establishment of the said ferry as aforesaid, set up, keep or maintain any ferry or shall carry any persons or persons, goods or chattels for hire or pay across the Mississippi river, from the east side or shore of the waters of said river, where the above specified, every such person shall for every offense, forfeit and the sum of ten dollars recovered before the peace in county, by and of any person law to sue for

SECTION 8. shall from and after

Approved

[No. 5, A] [Published March 22, 1880.]

CHAPTER 294.

AN ACT to authorize James W. Heather and James McGee and their assigns to build and maintain dams on and across that branch of the Chippewa river, in Chippewa county, Wisconsin, called the Deer Tail.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. James W. Heather and James McGee, and their assigns, are hereby empowered and authorized to maintain such dams as they have heretofore built on and across that branch of the Chippewa river, in Chippewa county, Wisconsin, called the Deer Tail, in sections eight, nine and sixteen, in town thirty-five, range four, and section twenty-four, town thirty-five, range five, for the purpose of facilitating the running and driving of logs and timber down and out of said Deer Tail into the Chippewa river. Location of dam.

SECTION 2. And for the purpose of facilitating the running and driving of logs and timber down and into the Chippewa river, the said James W. Heather and James McGee, and their assigns, are hereby authorized and empowered to build and maintain in and across said Deer Tail river, in town thirty-five, range four, and town thirty-five, range five, a sufficient number of other dams in addition to those dams they may have heretofore built in and across said Deer Tail river, so as to make the driving of logs reasonably certain. Other dams

SECTION 3. It shall be lawful for the said James W. Heather and James McGee, and their assigns, whenever they shall make a drive of logs in said Deer Tail river, to take possession of all logs and timber above either of said dams, that may be afloat in said Deer Tail, when, and when only, the said logs or timber shall obstruct the drive, and the owners or agents of the same shall not have made adequate provisions for driving the same by furnishing the necessary men, teams and tools. for making a drive of said logs and timber, and to drive the same down to the west line of town thirty-four, range five west, or down said river to such a point as the same shall be taken in charge of, and driven by the owners or agents thereof; and the said James W. Heather and James McGee, and their assigns, shall be entitled to receive and collect for such services the sum of fifteen cents per thousand feet for each and every one thousand feet, board measure; and they may remain in possession of all such logs and timber so taken possession of by them until all charges for toll and driving the same are fully paid. May drive logs not their own. Compensation same.

Tolls.

SECTION 4. The said James W. Heather and James McGee, and their assigns, are hereby authorized and empowered to receive and collect from the owners of all logs and timber, passing over said dam, slides, or through the gates of said dams, as a compensation for keeping up and maintaining such dams, the sum of ten cents per thousand feet, board measure, for all logs put into said Deer Tail river above said dam in town thirty-five, range four west, and five cents per thousand feet, board measure, for all logs put into said river in town thirty-four and town thirty-five, range five west, above said dam.

Lumber inspector to determine amount of logs.

SECTION 5. The amount of logs and timber that the said James W. Heather, James McGee, and their assigns, would be entitled to a lien upon, under the provisions of this chapter, shall be determined by or under the direction of the lumber inspector of the district in which said Deer Tail river is situated, unless the parties interested are able to agree upon the same.

Tolls and charges to be lien upon logs.

SECTION 6. For any tolls or charges herein provided for, and which shall remain due and unpaid, the said James W. Heather and James McGee, and their assigns, whether they, or the owners, or the agents of the owners of said logs and timber, shall drive the same as herein provided for, they, the said James W. Heather and James McGee, and their assigns, shall have a lien on all logs run over said dams as aforesaid, until the aforesaid toll or charges are fully paid, which liens shall be enforced in the same manner in which other liens upon logs and timber in Chippewa county, under the provisions of chapter one hundred and forty-three of the revised statutes of Wisconsin, and the several acts amendatory thereof, are enforced.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 82, A.] [Published March 25, 1880.]

CHAPTER 295.

AN ACT relating to offenses against property, and to amend section four thousand four hundred and forty-nine of the revised statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

alty for tak-he timber

SECTION 1. Section four thousand four hundred and forty-nine of the revised statutes of this state for the

year 1878, is hereby amended so as to read as follows: Section 4449. Every person who shall willfully take, carry away or otherwise convert to his own use, or sell or dispose of, or take possession with intent to sell or dispose of, without the consent of the owner, any log or cant suitable to be worked into plank, boards, joist, shingles, or other lumber, the property of another, whether the owner thereof be known or unknown, lying and being in any river in or bordering on this state, or in any tributaries of such river, or on or near the bank of any such river or tributary, or in or on any slough, ravine, island, bottoms or land adjoining any such river or tributary, such property being so taken, carried away or otherwise converted or sold or disposed of, within this state, or taken possession of with intent to sell or dispose of, as aforesaid, shall be deemed guilty of the crime of larceny, and on conviction thereof shall be punished by a fine of not less than fifty dollars and by imprisonment in the county jail not less than three months, and on a second conviction for a like crime, shall be punished by a fine of not less than one hundred dollars and by imprisonment in the state prison not more than two years. Every person guilty of either of the offenses described in this section shall, whether convicted thereof in a criminal prosecution or not, be liable to pay the owner of such log, cant, or other lumber, respecting which the offense was committed, double the amount of the value of the same, to be recovered in an action. In any prosecution under this section, if any such log or cant shall be found in the possession of the defendant, with the mark cut out or destroyed, or partly cut out or destroyed, or partly sawed or manufactured into lumber of any kind, fence posts or rails, such possession shall be presumptive evidence of his guilt. The owner of any such log, cant or other lumber, may at any time lawfully, by himself or his agent, enter in a peaceable manner into or upon any mill or mill boom, or raft of logs, cant or other lumber, in any river or in its tributaries, within this state, or on or near the banks of such rivers or their tributaries, in search of any such log, cant or other lumber, which he may have lost, and any person who shall willfully prevent or obstruct such search, shall forfeit for such offense not less than twenty dollars nor more than fifty dollars.

or lumber of others.

Right of owner.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 107, A.] [Published March 22, 1880.]

CHAPTER 296.

AN ACT to authorize John Redmond, his associates or assigns, to maintain a dam across and otherwise improve Hay creek, in Chippewa county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of dam.

SECTION 1. John Redmond, his associates or assigns, are hereby authorized to maintain a flooding dam across main Hay creek on section sixteen and seventeen, township thirty-one, range five west, in Chippewa county, Wisconsin, and otherwise improve said creek by clearing and straightening the channel, and to keep said dam and improvements in repair and operate the same for the purpose of facilitating the driving and floating of logs and timber down and out of said creek.

When tolls may be charged.

SECTION 2. Whenever the said John Redmond, his associates or assigns, shall have maintained said dam with suitable gates and slides for the purpose of sluicing and driving logs and timber over said dam and down and out of said creek, and shall so improve said stream as aforesaid, and operate said dam and improvements, that logs can be driven down and out of said creek from above said dam with reasonable certainty, having regard for the character of the stream, and so long as he or they shall maintain said dam and improvements so as to accomplish the results before specified, he or they, in consideration of the maintaining of said dam and improvements and operating the same, shall be and are hereby authorized to charge and collect of all persons owning or controlling logs or timber put into said stream or any of its tributaries for the purpose of being driven out of the same, twenty cents per thousand feet for logs put into said creek above said dam; fifteen cents per thousand feet for logs put into said creek below said dam and above the north line of section nineteen, town thirty-one, range five west; ten cents per thousand feet for all logs put into said creek below the north line of said section nineteen and above the south line of section thirty; and five cents per thousand feet for all logs put into said creek below said south line of section thirty.

Tolls.

SECTION 3. It shall be lawful for the said John Redmond, his associates or assigns, when they shall have improved said creek in the manner before provided, whenever they shall make a drive of logs, to take possession of all logs and timber put into said stream to be floated down and out of the same, which shall obstruct the navigation of said stream, the owners or agents of which shall not have made adequate provisions for driving the same by furnishing the necessary men, teams and boats for making a thorough drive of such logs and timber, and to drive the same down and out of said stream, and to charge and collect for such services the following rates, respectively, viz.: For all logs driven from above said dam, fifty cents per thousand feet; for all logs put into the creek below said dam, and north of the north line of section twenty-nine, town thirty-one, range five west, thirty-five cents per thousand feet; and for all logs put into said creek below the north line of said section twenty-nine, twenty cents per thousand feet. May drive logs not their own.

SECTION 4. For any tolls or charges herein provided which shall remain due and unpaid, the said John Redmond, his associates or assigns, shall have a lien upon the logs and timber upon which such tolls or charges, or any part thereof, shall remain unpaid, and may enforce the same in the same manner as liens on logs and timber for labor may be enforced. Tolls and charges to be lien upon logs.

SECTION 5. This act shall take effect from and after its passage and publication.

Approved March 15, 1880.

[No. 239, A.] [Published March 20, 1880.]

CHAPTER 297.

AN ACT to extend the time for proving and filing claims against the Wisconsin railroad farm mortgage land company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The time for proving and filing claims against the Wisconsin railroad farm mortgage land company, is hereby extended to the first day of October, A. D. 1880. Extended.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 245, A.] [Published March 19, 1880.]

CHAPTER 298.

AN ACT authorizing the towns of Hortonia and Liberty, in Outagamie county, to construct a bridge across Wolf river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of bridge.

SECTION 1. The towns of Hortonia and Liberty, in Outagamie county, are hereby authorized to build and and construct a bridge across Wolf river, at or near the line between sections twenty-three and twenty-four, town twenty-two, range fifteen east: *provided*, the total cost of building and completing said bridge shall not exceed the sum of three thousand dollars: *and provided further*, that nothing herein shall be held or construed to authorize any impeding or obstruction of the free navigation of the said Wolf river for boats, logs or lumber.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 226, A.] [Published March 23, 1880.]

CHAPTER 299.

AN ACT for the establishment of a state normal school in the fourth congressional district of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Duty of board of regents.

SECTION 1. It is hereby made the duty of the board of regents of normal schools to establish an additional normal school in the city of Milwaukee, in the fourth congressional district of this state, and to proceed to organize and conduct the same without impairing the efficiency of the normal schools already established as provided by section three hundred and ninety-nine of chapter twenty-six of the revised statutes of 1878, as soon as said board shall in its own judgment be able to provide from the funds at its disposal for the maintenance of said school in said city of Milwaukee: *provided*, the said city of Milwaukee shall donate a site and a suitable building for said normal school in said city of Milwaukee, the location and plan of said building to be approved by said board of regents, and the said site and buildings to be together of a value not less than fifty thousand dollars.

Milwaukee to donate site and building.

Choosing plan of building.

SECTION 2. It shall be the duty of the said board of regents to act upon the site and the plans of the

building submitted to them within sixty days from the date of receiving the same upon their application therefor, and the said city of Milwaukee shall, as soon thereafter as said board shall have approved said site and plans proceed with the erection of said building in accordance with the plans adopted.

Revised statutes to apply.

SECTION 3. The terms of admission, courses of study, graduation and all matters pertaining to the management of said normal school shall be under the control of said board of normal regents as provided by the revised statutes of 1878.

Time for determination limited.

SECTION 4. Unless a site shall be tendered and plans for the building to be erected thereon submitted by said city of Milwaukee to said board of regent within one year from the passage of this act all the requirements and provisions of the act shall be inoperative and void.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 170, A.] [Published March 23, 1880.]

CHAPTER 300.

AN ACT in relation to the annual inspection of the Bayfield rifles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Governor may order inspection.

SECTION 1. The governor may cause the annual inspection of the Bayfield rifles, a duly organized company of the Wisconsin militia, in Bayfield county, to be made at any time during the year, and such inspection shall have the same force and effect as though made between the months of May and October inclusive, as required in section six hundred and thirty-four of the revised statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 116, A.] [Published March 20, 1880.]

CHAPTER 301.

AN ACT to amend chapter forty-three of the laws of 1878, entitled an act to amend section six of chapter one hundred and twenty-one of the laws of Wisconsin for 1876, entitled an act relating to the preparation, publication and distribution of the final report of the geological survey.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Distribution of complete report

SECTION 1. Section six of chapter one hundred and twenty-one of the laws of 1876, is hereby amended by inserting after the figures 1877, in the eighth line of the section, the words and figures "1878 and 1880," so that the sentence shall read as follows: each member of the legislatures of 1876, 1877, 1878 and 1880, the governor, lieutenant governor, secretary of state, state treasurer, attorney general, superintendent of schools, and each judge of the supreme court shall be entitled to two copies of the complete report.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 15, 1880.

[No. 273, A.] [Published March 20, 1880.]

CHAPTER 302.

AN ACT to appropriate to the southwestern Wisconsin industrial association a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $500.

SECTION 1. There is hereby appropriated to the southwestern Wisconsin industrial association, of Mineral Point, the sum of five hundred dollars, to be paid from the general fund, in addition to and in the same manner as the sum of one hundred dollars now paid annually to the said association under the provisions of section one thousand four hundred and sixty-five of the revised statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 301, A.] [Published March 23, 1880.]

CHAPTER 303.

AN ACT to authorize Thomas J. La Flesh, his associates and assigns, to build and maintain certain dams on the east fork of Black river, in the counties of Wood, Clark and Jackson.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Thomas J. La Flesh, his associates and assigns, are hereby authorized to build and maintain certain dams on the east fork of Black river, in the counties of Wood, Clark and Jackson, said dams to be located as follows, to-wit: one dam on section fourteen, township twenty-three, range one east; one dam on sections five and thirty, in township twenty-three north, of range two east, one dam on section four, in township twenty-two north, of range two east. Location of dams.

SECTION 2. The said Thomas J. La Flesh, his associates and assigns, shall build suitable slides in said dams for running logs, timber and lumber over the same, and shall keep the same in repair. The same shall be kept open at all times when the river is in a driving stage, and when there are logs, timber or lumber to run over said dams, and when it is not necessary to hold the water back for the purpose of driving or flooding logs, timber or lumber below such dams, for which purpose flood gates shall be kept in repair in said dams, and built in such manner as to be shut or opened, as the case may require, to flood the said logs, timber or lumber. Dam to be kept open.

SECTION 3. The said Thomas J. La Flesh, his associates and assigns, shall enjoy the privileges granted in this act for the term of ten years from the first day of June, A. D. 1880. Length of time privileges are granted.

SECTION 4. On the completion of the said dams by the said Thomas La Flesh, his associates and assigns, they shall be empowered and are hereby authorized to receive and collect from the owners of all logs, timber and lumber put into said stream above the dam on section thirty, town twenty-three range two east, the sum of ten cents, and upon all logs put in below the last named point and above the east line of section fourteen, town twenty-two, range two east, the sum of five cents; and for all logs put in below the last named point and above the east line of section thirty, town twenty-two, range two east, the sum of two and one-half cents per thousand feet, as a compensation for keeping up and maintaining such dams. And the said Thomas La Flesh, his associates and assigns, shall Tolls. Tolls to be a lien upon logs.

have a lien on all logs, timber and lumber put in as aforesaid, until said charges are paid: *provided*, that they shall at all times comply with the provisions of section two of this act.

SECTION 5. The control of said dams, and the slides and gates of the same, shall belong to the aforesaid La Flesh, his associates and assigns, but subject always to the provisions of section two of this act.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved March 15, 1880.

[No. 316, A.] [Published March 19, 1880.]

CHAPTER 304.

AN ACT to lay out and establish a state road from the village of Cumberland, in Barron county, to the village of Deer Park, in St. Croix county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Names of commissioners, and location of road

SECTION 1. William Wilson, George B. Kidder and G. C. Hodgkin are hereby appointed commissioners, with full powers and authority, to survey, lay out and establish a state road from the village of Cumberland, in the county of Barron, along either side of the right of way of the north Wisconsin railway company, or as near thereto as practicable, to the village of Deer Park, in the county of St. Croix.

Commissioners may award damages.

SECTION 2. In case of the sickness or disability of any one of said commissioners to act, the remaining commissioners shall appoint a substitute who shall act as one of said commissioners and have all rights and powers of those herein appointed. Said commissioners shall award damages to all persons through whose land said highways may be laid, or who may sustain injury by the laying out and opening of said road. All claims for damages shall be made within one year from the time said commissioners shall have filed the order and plat or survey of said road, in the county clerk's office in the counties through which said road may run.

Notice of meeting to lay out road.

SECTION 3. Said commissioners shall perform the duties herein prescribed before the first day of June 1880. Said commissioners shall give public notice in some newspaper published in each of the counties through which said road shall pass for at least three weeks before they shall meet to lay out said road, stating the time and place at which they will meet and proceed to lay out said road.

SECTION 4. The said commissioner shall cause an accurate survey and plat of said road and order laying out the same, and award of damages, to be made and filed in the office of the county clerk of each of the counties through which said road will pass, before the first day of July, 1880.

Survey and plat of road.

SECTION 5. Upon filing the order laying out said road and the survey and plat thereof, in the office of the several county clerks as aforesaid, the said road shall become a public highway.

When to become public highway.

SECTION 6. All damages awarded by said commissioners in the laying of said road, shall be paid by the county wherein the land is situated for which damages are awarded.

Damages to be paid by county.

SECTION 7. Said commissioners shall receive as compensation for laying out and superintending the constructing of said road, the sum of four dollars per day each, for the time actually expended in such services, such time not to exceed twenty days, and such payment shall be in full payment for all expenses.

Compensation of commissioners

SECTION 8. It shall be the duty of the county board of supervisors of the several counties through which said road shall pass to audit the accounts of said commissioners for their services.

Duty of county boards.

SECTION 9. Said commissioners shall have the right to employ two assistants as shall be necessary, at two dollars per day, who shall be paid by the respective counties and such payment shall be in full for all expenses.

Commissioners may employ assistants.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 374, A.] [Published March 25, 1880.]

CHAPTER 305.

AN ACT to amend chapter one hundred and thirty-three of the revised statutes of 1878, entitled of actions of ejectment.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section three thousand and eighty-seven of chapter one hundred and thirty-three of the revised statutes of 1878, is hereby amended so as to read as follows: Section 3087. In all such actions, when the plaintiff is entitled to recover by reason of a defect or insufficiency of any tax deed under which the defendant claims title, or in the proceedings prior to the sale upon which such tax deed was issued, unless it shall

When plaintiff is entitled to recover.

be made to appear affirmatively by the plaintiff that the premises claimed were not liable to taxation for the tax for which they were sold, or that such tax was paid prior to the sale, or the land was redeemed from such sale, the court shall order that the amount for which such land was sold, and the costs of executing and recording such tax deed, and the amount paid by the defendant for taxes assessed upon said premises subsequent to said sale, with interest on all such sums at the rate of twenty-five per centum per annum from the time so paid until the date of verdict, shall be set off against the damages awarded to the plaintiff by the verdict; and if there be any excess, that the plaintiff, as a condition of judgment, shall pay the same, with interest from the date of the verdict, within ninety days; and that, in default thereof, the defendant shall have judgment in the action: *provided*, that no recovery shall be had in any such action upon any ground which might have been urged in an action to set aside or cancel the certificate upon which such deed is based but which is barred by the statutes of limitation.

Court shall order set-off.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 386, A.] [Published March 20, 1880]

CHAPTER 306.

AN ACT to appropriate to J. G. Hellenbolt a certain sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation, $120.

SECTION 1. There is hereby appropriated to William J. Hellenbolt out of any money in the general fund not otherwise appropriated, the sum of one hundred and twenty dollars, as extra pay for services as a soldier in the late war, as originally contemplated by chapter one hundred and seventeen, laws of 1864.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

[No. 247, A.] [Published March 20, 1880.]

CHAPTER 307.

AN ACT relating to and amendatory of section one thousand three hundred and ninety-one of chapter fifty-five of the revised statutes of Wisconsin, entitled "of fences."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When damages for trespass not recoverable.

SECTION 1. Section one thousand three hundred and ninety-one of chapter fifty-five of the revised statutes of Wisconsin, entitled "of fences," is hereby amended by adding thereto the following words: And owners of lands who do not maintain and keep in repair lawful partition fences, shall not be entitled to recover any damages whatever for trespasses by the animals of owners of any adjoining lands with whom partition fences might have been maintained if such lands had been inclosed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 116, S.] [Published March 23, 1880.]

CHAPTER 308.

AN ACT relating to insurance companies doing business in the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance companies to pay percentage to city.

SECTION 1. All corporations, companies and associations, not incorporated under the laws of this state, engaged in the city of Oshkosh, in effecting fire insurance, shall pay to the city treasurer of said city, at the rate of two per cent. upon the amount of all premiums which shall have been received, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, on any property in said city, by or with such corporation or association, respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto; and all laws or parts of laws of this state applicable to said city, and contravening the provisions of this act, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

be made to appear affirmatively by the plaintiff that the premises claimed were not liable to taxation for the tax for which they were sold, or that such tax was paid prior to the sale, or the land was redeemed from such sale, the court shall order that the amount for which such land was sold, and the costs of executing and recording such tax deed, and the amount paid by the defendant for taxes assessed upon said premises subsequent to said sale, with interest on all such sums at the rate of twenty-five per centum per annum from the time so paid until the date of verdict, shall be set off against the damages awarded to the plaintiff by the verdict; and if there be any excess, that the plaintiff, as a condition of judgment, shall pay the same, with interest from the date of the verdict, within ninety days; and that, in default thereof, the defendant shall have judgment in the action: *provided*, that no recovery shall be had in any such action upon any ground which might have been urged in an action to set aside or cancel the certificate upon which such deed is based but which is barred by the statutes of limitation.

Court shall order set-off.

Proviso.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 15, 1880.

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Approved March 15, 1880.

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AN ACT relating to and amendatory of section one thousand three hundred and ninety-one of chapter fifty-five of the revised statutes of Wisconsin, entitled "of fences."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When damages for trespass not recoverable.

SECTION 1. Section one thousand three hundred and ninety-one of chapter fifty-five of the revised statutes of Wisconsin, entitled "of fences," is hereby amended by adding thereto the following words: And owners of lands who do not maintain and keep in repair lawful partition fences, shall not be entitled to recover any damages whatever for trespasses by the animals of owners of any adjoining lands with whom partition fences might have been maintained if such lands had been inclosed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 116, S.] [Published March 23, 1880.]

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance companies to pay percentage to city.

SECTION 1. All corporations, companies and associations, not incorporated under the laws of this state, engaged in the city of Oshkosh, in effecting fire insurance, shall pay to the city treasurer of said city, at the rate of two per cent. upon the amount of all premiums which shall have been received, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, on any property in said city, by or with such corporation or association, respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto; and all laws or parts of laws of this state applicable to said city, and contravening the provisions of this act, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 333, A.] [Published March 26, 1880.]

CHAPTER 309.

AN ACT to amend chapter fifty of the revised statutes of 1878, entitled "of lands sold for taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Action for recovery of land conveyed by tax deed to be maintained unless brought within three years.

SECTION 1. Section one thousand one hundred and eighty-seven of chapter fifty of the revised statutes of 1878, entitled "of taxation," is hereby amended so as to read as follows: Section 1187. No action shall be maintained by the grantee or any one claiming under him, to recover the possession of any land or any interest therein, which shall have been conveyed by deed for the non-payment of taxes unless such action shall be brought within three years next after the date of the execution of such deed; or, if such land demanded shall be when so conveyed, vacant and unoccupied, and so remain, unless such action be brought within three years next after the date of the recording of such deed, or unless such grantee or those claiming under him, shall have been in actual, not constructive, possession of the land so demanded, for three successive years during the five years next after the recording of such deed: *provided, however*, that if the former owner takes possession of any such land at any time within three months of the expiration of three years from the date of the execution of such deed then and in such case the grantee in such tax deed, or those claiming under him may bring and maintain an action to recover possession of said land at any time within three months next after the expiration of said three years.

Proviso.

SECTION 2. Section one thousand one hundred and eighty-eight of chapter fifty of the revised statutes of 1878 is hereby amended so as to read as follows: Section 1188. No action shall be maintained by the former owner or any person claiming under him, to recover the possession of any land or any interest therein which shall have been conveyed by deed for the non-payment of taxes, or to avoid such deed against any person claiming under such deed, unless such action shall be brought within three years next after the recording of such deed. Whenever any such action shall be commenced upon any tax deed heretofore or hereafter issued, after the expiration of three years from the date of the recording of such deed unless such action shall be brought by a person who was a minor at the time the right of action shall accrue as aforesaid,

Action brought by person who was a minor.

such deed, if executed substantially in the form prescribed by law for the execution of tax deeds, shall be conclusive evidence of the existence and legality of all proceedings, from and including the assessment of the property for taxation, up to and including, the execution of such deed.

Action to set aside sale.

SECTION 3. Every action or proceeding to set aside any sale of lands for the non-payment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax certificate or tax deed, for any error or defect, going to the validity of the assessment, and affecting the ground work of such tax, shall be commenced within one year from the date of such tax sale, and not thereafter: *provided*, that in case of sales for the non-payment of taxes made prior to the taking effect of this act, the action, if not already barred, must be commenced within one year after this act takes effect, and not thereafter.

Person bringing action to pay into court amount for which land was sold.

SECTION 4. In every action brought to set aside any sale of land for the nonpayment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax deed upon any ground whatever, not going to the validity of the assessment, and affecting the ground work of such tax, the plaintiff, if he show himself otherwise entitled to judgment, shall, before the entry thereof, within a reasonable time, to be fixed by the court, pay into court for the person or persons claiming under such tax sale or tax certificate, the amount for which such land was sold, and the amount paid by such person or persons for taxes assessed upon the premises subsequent to such sale, with interest on all such amounts at the rate of twenty-five per cent. per annum from the times of payment until the said money be so paid into court; and in default of such payment within the time so fixed, the defendant shall have judgment in the action.

Same.

SECTION 5. The provisions of the preceding section as to the payment into court to be made by the plaintiff, shall apply to all actions brought to cancel any tax deed or to remove the cloud upon any title created by any tax certificate or tax deed where the action impeaches the tax deed upon any grounds whatever not affecting the ground-work of the tax for the non-payment of which such deed or tax certificate was issued.

Wherein provisions are not to apply.

SECTION 6. The provisions of the three preceding sections shall not apply to any case where the lands so sold or described in such tax certificate or tax deed were not liable to taxation, or where the taxes on such

lands were paid prior to such sale, or where such lan have been redeemed according to law.

Not repealed. SECTION 7. Nothing in this act contained shall b construed as repealing or in any wise affecting t limitations contained in section one thousand two hu dred and ten *d* of chapter fifty of the revised statute and in section one thousand two hundred and ten *e* said chapter, so far as said section relates to tax deed

Repealed. SECTION 8. All acts and parts of acts conflicti with or in any manner contravening the provisions this act, are hereby repealed.

SECTION 9. This act shall take effect and be i force from and after its passage and publication.

Approved March 16, 1880.

[No. 223, A.] [Published March 20, 1880.]

CHAPTER 310.

AN ACT to legalize the acts of the Linden town mutual fir insurance company in Iowa county.

The people of the state of Wisconsin, represented in sena and assembly, do enact as follows:

Legalized. SECTION 1. The organization of the Linden tow mutual fire insurance company, in the count of Iow is hereby declared to be as legal and valid in all r spects as though the articles of association of said com pany had been duly filed in the office of the prope town clerk and within the time required by law. An all acts and proceedings of the said company shall b as valid and have the same force and effect as thoug the said articles of association had been duly filed a aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 260, A.] [Published March 23, 1880.]

CHAPTER 311.

AN ACT granting to the city of Winona the right to establish, operate and maintain a ferry or ferries across the Mississippi river, in the county of Buffalo, opposite to said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of ferry. SECTION 1. That there be and hereby is granted to the city of Winona, in the state of Minnesota, in its corporate capacity, the exclusive right and privilege of establishing, keeping, operating and maintaining a

ferry or ferries across the Mississippi river, between the corporate limits of said city of Winona and Buffalo county, in this state, for fourteen years from and after February 26, 1885: *provided*, that said ferry right shall not enterfere with or prevent any person or persons from receiving or delivering any kind of freight at the elevator, warehouse or depot of the Green Bay and Minnesota Railroad company: *and further provided* that said ferry shall not land its boats at the docks or on the grounds of said railroad company without first having obtained the consent of said company.

SECTION 2. That the said city of Winona, through its common council, may, by ordinance, determine and and decide that such ferry or ferries shall be run, operated and maintained without cost to the traveling public or shippers using the same; or in case such council should determine that said ferry or ferries, or any of them, should be operated altogether or in part for compensation, toll or pay, it may, by ordinance, control, fix and regulate the rates and charges for ferriages upon said ferry or ferries, whether operated by said city or its lessees: *provided*, that charges for ferriage shall not exceed the following rates: For each foot passenger, fifteen cents; for each horse, mare or mule, with or without a rider, thirty cents; for each team, loaded or unloaded, with passengers or goods, fifty cents; for each single horse and vehicle, with or without passengers, forty cents; for each additional horse, mare or mule, ten cents; for each ox or cow, ten cents; for each swine or sheep, five cents: *provided*, that in case said corporation, its assigns or lessees, or any ferryman or other persons employed by it or them, shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods or chattels, or other things whatsoever, than is allowed by this act, the said corporation, its assigns or lessees shall be liable to the party aggrieved, in the sum of ten dollars for every such act, which may be recovered before any justice of the peace of this state having lawful jurisdiction over the same.

May be free.

Toll.

Penalty for exacting higher rates

SECTION 3. That the said city of Winona may, at any time by ordinance, lease or rent or otherwise, the rights and privileges granted by this act: *provided*, that no case of letting of any ferry shall be for a longer term at one time than ten years.

Ferry may be leased.

SECTION 4. If any company or companies, person or persons, other than the said city or its lessees, shall, after the establishment of any ferry or ferries as afore-

Penalty for infringing upon rights herein granted.

said, set up, keep or maintain any ferry, or shall carry any person, animal, goods or chattels for hire or pay, across the said Mississippi river within the limits hereinbefore specified, every such person or company, for every such offense, shall forfeit and pay to said city of Winona the sum of ten dollars, to be recovered in a civil action; and every such person, for every such offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court or magistrate having jurisdiction, shall be fined not more than thirty dollars for each and every offense, and pay all costs of prosecution, and be imprisoned in the county jail until such fine and costs shall be paid, not exceeding thirty days.

City to give bond to Buffalo county.

SECTION 5. The said city of Winona shall, by its mayor duly authorized thereto, before the twenty-sixth day of February, 1885, file or cause to be filed with the county clerk of the county of Buffalo, a bond to the county board of supervisors of said county, with two or more sureties to be approved by the county judge of Buffalo county, in the penal sum of five thousand dollars, conditioned that it will fulfill all the duties imposed upon it by this act. And the landing place of said ferry during such times as the water is so high that the ferry cannot be reached on the bottoms, then the landing place of said ferry shall be at the mainland above the railroad bridge on the Wisconsin side.

Penalty for insufficient and poor accommodations, etc.

SECTION 6. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attention to any person or their effects, wishing or desiring to cross said ferry, the aforesaid corporation shall forfeit a sum not exceeding ten dollars, and shall be further liable for all damages any person may sustain by reason of the neglect of the aforesaid corporation to fulfill any of the duties imposed upon it by this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 254, A.] [Published March 18, 1880.]

CHAPTER 312.

AN ACT in relation to the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Penalty for selling or giving away liquor when forbidden.

SECTION 1. Section one thousand five hundred and fifty-six of the revised statutes is hereby amended so as to read as follows: Section 1556. When the sale or giving away of any such liquors or drinks shall have been forbidden, every person who shall with knowledge thereof sell, give, purchase or procure, for or in behalf of any such prohibited person, any such liquors or drinks, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars, and the costs of prosecution; and in default of immediate payment thereof, he shall be committed to the county jail for not less than thirty days, unless sooner discharged by the payment of such fine and costs. The person to whom the selling to, or purchasing, or procuring for any such ardent, spirituous or intoxicating drinks has been prohibited, may be arrested on complaint of any supervisor, trustee or alderman, and brought before any justice of the peace, police justice or judge of a municipal court, of the county, to testify as to where he obtained or procured intoxicating drinks, and if he shall refuse to so testify he shall be committed to the county jail, to be detained therein until he shall so testify or be discharged by order of the court.

Approved March 16, 1880.

[No. 361, A.] [Published March 20, 1880.]

CHAPTER 313.

AN ACT relating to the compensation of county judges in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Per diem.

SECTION 1. In all cases hereafter, when the county court of any county shall not exercise or have civil jurisdiction, the judge of said court shall be entitled to charge and receive the sum of five dollars per day, to be paid from the county treasury, for each day he shall be actually engaged in examination of any person upon a criminal charge, or upon any matter not appertaining to probate matters, or to the guardianship of

the persons and estates of minors, in cases where there is no fee or fees provided by law for such services.

SECTION 2. This act shall take effect and be in force form and after its passage and publication.

Approved March 16, 1880.

[No. 370, A.] [Published March 20, 1880.]

CHAPTER 314.

AN ACT to prevent the manufacturers of lumber, lath or shingles from throwing slabs, edgings, trimmings of lumber or shingles, or saw-dust, into the Wisconsin river, or any of its tributaries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Throwing debris in river prohibited.

SECTION 1. No person shall knowingly cast, throw or permit to fall into the Wisconsin river or into any tributary thereof, excepting Pine river in Richland county, and the Kickapoo river, any slabs ground slabs, or other ground timber, shingle saw dust or shingle shavings, or any clippings, edging, spalts or other refuse arising from the manufacture of shingles, or any edgings or trimmings of lumber from the cutting off saw or edging saws, or other refuse offal arising from the manufacture of tumber, except sawdust and planing mill shavings.

Penalty for violation.

SECTION 2. Every person violating the provisions of section one of this act shall forfeit for each such offense the sum of ten dollars for the first offense and twenty-five dollars for each subsequent offense; and every person damaged by such act may demand, sue for and collect any special damage by him sustained thereby, with costs of suit therefor.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1880.

[No. 24, S.] [Published March 27, 1880.]

CHAPTER 315.

AN ACT relating to non-registered voters and amendatory of section twenty-four of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not entitled to vote unless name is on registry.

SECTION 1. Section twenty-four of the revised statutes is hereby amended so as to read as follows: Section 24. On election day the inspectors shall designate

[No. 247, A.] [Published March 20, 1880.]

CHAPTER 307.

AN ACT relating to and amendatory of section one thousand three hundred and ninety-one of chapter fifty-five of the revised statutes of Wisconsin, entitled "of fences."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When damages for trespass not recoverable.

SECTION 1. Section one thousand three hundred and ninety-one of chapter fifty-five of the revised statutes of Wisconsin, entitled "of fences," is hereby amended by adding thereto the following words: And owners of lands who do not maintain and keep in repair lawful partition fences, shall not be entitled to recover any damages whatever for trespasses by the animals of owners of any adjoining lands with whom partition fences might have been maintained if such lands had been inclosed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 116, S.] [Published March 23, 1880.]

CHAPTER 308.

AN ACT relating to insurance companies doing business in the city of Oshkosh.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance companies to pay percentage to city.

SECTION 1. All corporations, companies and associations, not incorporated under the laws of this state, engaged in the city of Oshkosh, in effecting fire insurance, shall pay to the city treasurer of said city, at the rate of two per cent. upon the amount of all premiums which shall have been received, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, on any property in said city, by or with such corporation or association, respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto; and all laws or parts of laws of this state applicable to said city, and contravening the provisions of this act, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 333, A.] [Published March 26, 1880.]

CHAPTER 309.

AN ACT to amend chapter fifty of the revised statutes of 1878, entitled "of lands sold for taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Action for recovery of land conveyed by tax deed to be maintained unless brought within three years.

SECTION 1. Section one thousand one hundred and eighty-seven of chapter fifty of the revised statutes of 1878, entitled "of taxation," is hereby amended so as to read as follows: Section 1187. No action shall be maintained by the grantee or any one claiming under him, to recover the possession of any land or any interest therein, which shall have been conveyed by deed for the non-payment of taxes unless such action shall be brought within three years next after the date of the execution of such deed; or, if such land demanded shall be when so conveyed, vacant and unoccupied, and so remain, unless such action be brought within three years next after the date of the recording of such deed, or unless such grantee or those claiming under him, shall have been in actual, not constructive, possession of the land so demanded, for three successive years during the five years next after the recording of such deed: *provided, however*, that if the former owner takes possession of any such land at any time within three months of the expiration of three years from the date of the execution of such deed then and in such case the grantee in such tax deed, or those claiming under him may bring and maintain an action to recover possession of said land at any time within three months next after the expiration of said three years.

Proviso.

Action brought by person who was a minor.

SECTION 2. Section one thousand one hundred and eighty-eight of chapter fifty of the revised statutes of 1878 is hereby amended so as to read as follows: Section 1188. No action shall be maintained by the former owner or any person claiming under him, to recover the possession of any land or any interest therein which shall have been conveyed by deed for the non-payment of taxes, or to avoid such deed against any person claiming under such deed, unless such action shall be brought within three years next after the recording of such deed. Whenever any such action shall be commenced upon any tax deed heretofore or hereafter issued, after the expiration of three years from the date of the recording of such deed unless such action shall be brought by a person who was a minor at the time the right of action shall accrue as aforesaid,

such deed, if executed substantially in the form prescribed by law for the execution of tax deeds, shall be conclusive evidence of the existence and legality of all proceedings, from and including the assessment of the property for taxation, up to and including, the execution of such deed.

Action to set aside sale.

SECTION 3. Every action or proceeding to set aside any sale of lands for the non-payment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax certificate or tax deed, for any error or defect, going to the validity of the assessment, and affecting the ground work of such tax, shall be commenced within one year from the date of such tax sale, and not thereafter: *provided*, that in case of sales for the non-payment of taxes made prior to the taking effect of this act, the action, if not already barred, must be commenced within one year after this act takes effect, and not thereafter.

Person bringing action to pay into court amount for which land was sold.

SECTION 4. In every action brought to set aside any sale of land for the nonpayment of taxes, or to cancel any tax certificate, or to restrain the issuing of any tax deed upon any ground whatever, not going to the validity of the assessment, and affecting the ground work of such tax, the plaintiff, if he show himself otherwise entitled to judgment, shall, before the entry thereof, within a reasonable time, to be fixed by the court, pay into court for the person or persons claiming under such tax sale or tax certificate, the amount for which such land was sold, and the amount paid by such person or persons for taxes assessed upon the premises subsequent to such sale, with interest on all such amounts at the rate of twenty-five per cent. per annum from the times of payment until the said money be so paid into court; and in default of such payment within the time so fixed, the defendant shall have judgment in the action.

Same.

SECTION 5. The provisions of the preceding section as to the payment into court to be made by the plaintiff, shall apply to all actions brought to cancel any tax deed or to remove the cloud upon any title created by any tax certificate or tax deed where the action impeaches the tax deed upon any grounds whatever not affecting the ground-work of the tax for the non-payment of which such deed or tax certificate was issued.

Wherein provisions are not to apply.

SECTION 6. The provisions of the three preceding sections shall not apply to any case where the lands so sold or described in such tax certificate or tax deed were not liable to taxation, or where the taxes on such

lands were paid prior to such sale, or where such lands have been redeemed according to law.

Not repealed.

SECTION 7. Nothing in this act contained shall be construed as repealing or in any wise affecting the limitations contained in section one thousand two hundred and ten *d* of chapter fifty of the revised statutes, and in section one thousand two hundred and ten *e* of said chapter, so far as said section relates to tax deeds.

Repealed.

SECTION 8. All acts and parts of acts conflicting with or in any manner contravening the provisions of this act, are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 223, A.] [Published March 20, 1880.]

CHAPTER 310.

AN ACT to legalize the acts of the Linden town mutual fire insurance company in Iowa county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Legalized.

SECTION 1. The organization of the Linden town mutual fire insurance company, in the count of Iowa, is hereby declared to be as legal and valid in all respects as though the articles of association of said company had been duly filed in the office of the proper town clerk and within the time required by law. And all acts and proceedings of the said company shall be as valid and have the same force and effect as though the said articles of association had been duly filed as aforesaid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 260, A.] [Published March 23, 1880.]

CHAPTER 311.

AN ACT granting to the city of Winona the right to establish, operate and maintain a ferry or ferries across the Mississippi river, in the county of Buffalo, opposite to said city.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of ferry.

SECTION 1. That there be and hereby is granted to the city of Winona, in the state of Minnesota, in its corporate capacity, the exclusive right and privilege of establishing, keeping, operating and maintaining a

ferry or ferries across the Mississippi river, between the corporate limits of said city of Winona and Buffalo county, in this state, for fourteen years from and after February 26, 1885: *provided*, that said ferry right shall not enterfere with or prevent any person or persons from receiving or delivering any kind of freight at the elevator, warehouse or depot of the Green Bay and Minnesota Railroad company: *and further provided* that said ferry shall not land its boats at the docks or on the grounds of said railroad company without first having obtained the consent of said company.

May be free.

SECTION 2. That the said city of Winona, through its common council, may, by ordinance, determine and and decide that such ferry or ferries shall be run, operated and maintained without cost to the traveling public or shippers using the same; or in case such council should determine that said ferry or ferries, or any of them, should be operated altogether or in part for compensation, toll or pay, it may, by ordinance, control, fix and regulate the rates and charges for ferriages upon said ferry or ferries, whether operated by said city or its lessees: *provided*, that charges for ferriage shall not exceed the following rates: For each foot passenger, fifteen cents; for each horse, mare or mule, with or without a rider, thirty cents; for each team, loaded or unloaded, with passengers or goods, fifty cents; for each single horse and vehicle, with or without passengers, forty cents; for each additional horse, mare or mule, ten cents; for each ox or cow, ten cents; for each swine or sheep, five cents: *provided*, that in case said corporation, its assigns or lessees, or any ferryman or other persons employed by it or them, shall take, exact or receive any greater or higher rate of ferriage for transporting persons, goods or chattels, or other things whatsoever, than is allowed by this act, the said corporation, its assigns or lessees shall be liable to the party aggrieved, in the sum of ten dollars for every such act, which may be recovered before any justice of the peace of this state having lawful jurisdiction over the same.

Toll.

Penalty for exacting higher rates

Ferry may be leased.

SECTION 3. That the said city of Winona may, at any time by ordinance, lease or rent or otherwise, the rights and privileges granted by this act: *provided*, that no case of letting of any ferry shall be for a longer term at one time than ten years.

Penalty for infringing upon rights herein granted.

SECTION 4. If any company or companies, person or persons, other than the said city or its lessees, shall, after the establishment of any ferry or ferries as afore-

said, set up, keep or maintain any ferry, or shall carry any person, animal, goods or chattels for hire or pay, across the said Mississippi river within the limits hereinbefore specified, every such person or company, for every such offense, shall forfeit and pay to said city of Winona the sum of ten dollars, to be recovered in a civil action; and every such person, for every such offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court or magistrate having jurisdiction, shall be fined not more than thirty dollars for each and every offense, and pay all costs of prosecution, and be imprisoned in the county jail until such fine and costs shall be paid, not exceeding thirty days.

City to give bond to Buffalo county.

SECTION 5. The said city of Winona shall, by its mayor duly authorized thereto, before the twenty-sixth day of February, 1885, file or cause to be filed with the county clerk of the county of Buffalo, a bond to the county board of supervisors of said county, with two or more sureties to be approved by the county judge of Buffalo county, in the penal sum of five thousand dollars, conditioned that it will fulfill all the duties imposed upon it by this act. And the landing place of said ferry during such times as the water is so high that the ferry cannot be reached on the bottoms, then the landing place of said ferry shall be at the mainland above the railroad bridge on the Wisconsin side.

Penalty for insufficient and poor accommodations, etc.

SECTION 6. That for every neglect to keep a good and sufficient boat or boats, or failure to give prompt and due attention to any person or their effects, wishing or desiring to cross said ferry, the aforesaid corporation shall forfeit a sum not exceeding ten dollars, and shall be further liable for all damages any person may sustain by reason of the neglect of the aforesaid corporation to fulfill any of the duties imposed upon it by this act.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 254, A.] [Published March 18, 1880.]

CHAPTER 312.

AN ACT in relation to the sale of intoxicating liquors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section one thousand five hundred and fifty-six of the revised statutes is hereby amended so as to read as follows: Section 1556. When the sale or giving away of any such liquors or drinks shall have been forbidden, every person who shall with knowledge thereof sell, give, purchase or procure, for or in behalf of any such prohibited person, any such liquors or drinks, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding fifty dollars, and the costs of prosecution; and in default of immediate payment thereof, he shall be committed to the county jail for not less than thirty days, unless sooner discharged by the payment of such fine and costs. The person to whom the selling to, or purchasing, or procuring for any such ardent, spirituous or intoxicating drinks has been prohibited, may be arrested on complaint of any supervisor, trustee or alderman, and brought before any justice of the peace, police justice or judge of a municipal court, of the county, to testify as to where he obtained or procured intoxicating drinks, and if he shall refuse to so testify he shall be committed to the county jail, to be detained therein until he shall so testify or be discharged by order of the court.

Penalty for selling or giving away liquor when forbidden

Approved March 16, 1880.

[No. 361, A.] [Published March 20, 1880.]

CHAPTER 313.

AN ACT relating to the compensation of county judges in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In all cases hereafter, when the county court of any county shall not exercise or have civil jurisdiction, the judge of said court shall be entitled to charge and receive the sum of five dollars per day, to be paid from the county treasury, for each day he shall be actually engaged in examination of any person upon a criminal charge, or upon any matter not appertaining to probate matters, or to the guardianship of

Per diem.

the persons and estates of minors, in cases where there is no fee or fees provided by law for such services.

SECTION 2. This act shall take effect and be in force form and after its passage and publication.

Approved March 16, 1880.

[No. 370, A.] [Published March 20, 1880.]

CHAPTER 314.

AN ACT to prevent the manufacturers of lumber, lath or shingles from throwing slabs, edgings, trimmings of lumber or shingles, or saw-dust, into the Wisconsin river, or any of its tributaries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Throwing debris in river prohibited.

SECTION 1. No person shall knowingly cast, throw or permit to fall into the Wisconsin river or into any tributary thereof, excepting Pine river in Richland county, and the Kickapoo river, any slabs ground slabs, or other ground timber, shingle saw dust or shingle shavings, or any clippings, edging, spalts or other refuse arising from the manufacture of shingles, or any edgings or trimmings of lumber from the cutting off saw or edging saws, or other refuse offal arising from the manufacture of tumber, except sawdust and planing mill shavings.

Penalty for violation.

SECTION 2. Every person violating the provisions of section one of this act shall forfeit for each such offense the sum of ten dollars for the first offense and twenty-five dollars for each subsequent offense; and every person damaged by such act may demand, sue for and collect any special damage by him sustained thereby, with costs of suit therefor.

SECTION 3. This act shall take effect and be in force from and after its passage.

Approved March 16, 1880.

[No. 24, S.] [Published March 27, 1880.]

CHAPTER 315.

AN ACT relating to non-registered voters and amendatory of section twenty-four of the revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Not entitled to vote unless name is on registry.

SECTION 1. Section twenty-four of the revised statutes is hereby amended so as to read as follows: Section 24. On election day the inspectors shall designate

two of their number at the opening of the polls, who shall check the name of every elector voting in such district whose name is on the registry. No vote shall be received at any general election in any ward or election district defined in section twenty, if the name of the person offering to vote be not on the said registry made at the second meeting as aforesaid, except as hereinafter provided; but in case any one shall, after the last day for completing such registry, and before such election, become a qualified voter of the election district, he shall have the same right to vote therein at such election as if his name had been duly registered: *provided*, he shall at the time he offers to vote deliver to the inspectors his affidavit, in which he shall state the facts showing that he has since the completion of such registry become a qualified elector of such district, and the facts showing that he was not such elector on the day such registry was completed, and shall also deliver to such inspectors the affidavits of two freeholders, electors in such election district, corroborating all the material statements in his affidavit. In case any person, who was a voter at the last previous general election in any election district in this state, shall not be registered, such person shall be entitled to vote on making affidavit that he was entitled to vote at such previous general election in one of the election districts of this state, naming the same, and that he has not become disqualified by reason of removal from such election district, or otherwise, since said election; or, in case he shall have removed therefrom, stating the fact of such removal, and that he is then a legal voter of the election district where he shall offer to vote; and in case any person, who was not a qualified elector of the last previous general election, but has become such by residing in the state for one year, shall not have been registered, he shall be entitled to vote on making affidavit that he is a qualified elector, each of which affidavits shall be substantiated by the affidavits of two freeholders, as is provided for other non-registered voters. No one freeholder shall be competent to make at any one election corroborating affidavits for more than three voters, all of said affidavits shall be sworn to before some officer authorized by the laws of this state to take depositions. The inspectors shall keep a list of the names and residences of the electors voting, whose names are not on said completed registry, and attach such list to the registry and return it together with all such affidavits to the

Proviso.

Affidavit of unregistered voter.

Corroborating affidavits.

Filing of copy of poll list and registry.

proper town, city or village clerk. No compensation shall be paid or received for taking or certifying any such affidavit. On the day following the election, one of said poll lists and one copy of the registry so kept and checked shall be attached together and filed in the office of the proper town, city or village clerk, and the other of said poll lists and copy of the registry so kept and checked shall be returned to the county clerk with the returns of the election; such inspectors shall give notice by public advertisement in a newspaper printed in the city, village or town where such registration was made of the registry, and shall include in such notice all additions to and omissions from the preliminary lists, and shall also state where the election is to be held. In case there be no newspaper printed in such city, village or town, such notice shall be given by posting copies thereof in three or more public places in each ward or election district in such city, village or town. For publication of such notices in any such newspaper, the publisher thereof shall be entitled to the same compensation per folio as is prescribed for publishing other legal notices.

Notice of registry.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 269, S.] [Published March 23, 1880.]

CHAPTER 316.

AN ACT providing for the withdrawal from market and sale of certain state lands and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lands withdrawn.

SECTION 1. All state lands now situated within and owned by the state of Wisconsin, known as swamp, school, university or other lands owned as aforesaid and described in the report of Charles J. Allen, captain of engineers to brigadier general H. G. Wright, chief of engineers of the United States army, and bearing date December 12, 1879, which, according to said report, it may become necessary to overflow, use, occupy or control in the construction and maintenance of the dams, reservoirs and other improvements to navigation contemplated in said report, except such of said lands as may be contracted for sale, are hereby withdrawn from market and sale, and none of said lands not now sold or contracted to be sold shall hereafter be sold, nor

shall any privilege, license or authority be given to any person or persons whomsoever to cut down or destroy any timber growing on such lands, except as provided for in section two of this act.

SECTION 2. Said lands may be used and occupied, or the absolute title thereto in fee may be acquired by the United States for the purposes aforesaid upon such terms and conditions, and in such manner as may hereafter be agreed upon by the United States and this state. Title may vest in U. S.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 21, S.] [Published March 23, 1880.]

CHAPTER 317.

AN ACT to amend chapter twenty-four of the general laws of 1870, entitled an act to incorporate the Superior boom company.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section four of chapter twenty-four of the general laws of 1870, entitled an act to incorporate the Superior boom company is hereby amended so as to read as follows: Section 4. Said corporation is hereby authorized and empowered to construct and maintain a boom with sufficient piers to secure the same, in and across the the Hemadji river, and the Saint Louis river, the bay of Superior and Allouez bay, at such points as it shall think proper, in towns forty-eight and forty-nine of range thirteen, fourteen, and fifteen, in Douglas county, for the purpose of stopping and securing logs and timber that may from time to time come or be driven within the limits of the towns aforesaid; and the said corporation is hereby authorized to receive and take into control and possession all logs and timber which may be run or driven, or which may come within the limits aforesaid for the purpose of stopping and securing the same: *provided*, that the channels of said rivers and bays shall remain free and unobstructed for the passage of vessels and crafts navigating the same. Location of boom.

SECTION 2. Section five of said chapter twenty-four is hereby amended so as to read as follows: Section 5. Whenever any logs and timber shall be stopped, secured and boomed as contemplated in section four of this act, the said corporation shall have the Compensation of boomage.

right to receive and collect a toll of twenty-five cents per thousand (1,000) feet of logs, board measure, and shall have a lien upon any or all logs and timber so boomed and secured for the payment of said boomage toll, which lien shall have preference over all other liens or claims against such logs and timber of any nature and kind whatsoever.

Powers of corporation.

SECTION 3. Section six of said chapter twenty-four is hereby amended so as to read as follows: Section 6. The said corporation, after booming and securing such logs and timber, may hold and retain the same from any and all persons claiming any right, title or interest therein, until the lawful demands of said corporation for boomage toll shall first be paid and satisfied. And in case any of such logs or timber shall not be removed and the boomage or other charges paid thereon, as in this act provided, previous to the first day of October next succeeding the reception into said booms of such logs and timber, then the said corporation is authorized to sell said logs and timber, upon which boomage toll is due and unpaid, at public sale, of which notice shall be given for three successive weeks in some newspaper published in the county of Douglas, to the highest bidder therefor, and said corporation may in good faith, by its agent or proper officer, bid upon and purchase any such logs and timber so to be sold, in case it shall be the highest bidder therefor, and out of the proceeds or price so bid at such sale, may retain and receive the costs and actual expenses of sale, together with the boomage toll hereinbefore provided, and said corporation shall pay over on demand, to the owner or person entitled, the residue of such proceeds, and purchasers at such sale shall acquire the right and title of the owners or holders of the logs and property so sold.

Notice of sale of logs.

Penalty for opening or injuring boom.

SECTION 4. Section seven of said chapter twenty-four is hereby amended so as to read as follows: Section 7. Any person other than the authorized agent of said corporation who shall open, cut or destroy or injure any of the booms of said corporation, or turn loose or adrift any logs or timber therein, or who shall obstruct the free passage of logs and timber into said booms by placing obstructions in or across the channels of said rivers and bays, and above said booms and shall be convicted thereof, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding six months, or both, at the discretion of the court.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 218, S.] [Published March 26, 1880.]

CHAPTER 318.

AN ACT relating to the board of state canvassers and amendatory of section fifty-eight, chapter five of revised statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section fifty-eight of chapter five of the revised statutes of Wisconsin for 1878 is hereby amended by inserting after the words "chief justice," in the eighth line of said section, the words, "upon the request of any opposing candidate," so that said section when so amended will read: Section 58. The secretary of state, treasurer and attorney general shall constitute the board of state canvassers, two of whom shall be a quorum for the transaction of business, and if one only of said officers attend on the day appointed for a meeting of the board, the clerk of the supreme court, on being notified by the officer so attending, shall attend without delay with such officer, and, with him, shall form the board. When a member of said board is a candidate for an office as to which the votes are to be canvassed by him, the chief justice, upon the request of any opposing candidate, shall designate some other state officer or a judge of the circuit court who shall act in his stead at the session of the board at which the votes given for such member are to be canvassed.

Amended.

When member of board is candidate.

SECTION 2. Said section fifty-eight of chapter five of the revised statutes of 1878, is hereby further amended by adding to said section the following words: Whenever the chief justice shall designate any state officer, or judge of a circuit court, to act as one of the board of state canvassers, as hereinbefore provided in this section, such state officer or circuit judge shall be entitled to receive a compensation for attendance and services as a member of said board not exceeding fifteen dollars per day, for each day he shall be absent from his place of residence and engaged in such service and attendance, and the secretary of state shall audit the account of any such state officer or judge for such service and attendance, and draw his warrant on the state treasurer for payment thereof; and it is hereby

Compensation of officer serving as canvasser.

made the further duty of the secretary of state to audit and draw his warrant on the state treasurer therefor, any account of any circuit judge who may have acted as a member of said state board of canvassers during the year 1879, in the same manner and on the same conditions as hereinbefore provided in the case of any state officer or circuit judge who shall hereafter act as a member of said board.

Appropriation.

SECTION 3. There is hereby appropriated from the the state treasury, out of any moneys not otherwise appropriated, a sufficient sum for the purposes of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 206, S.] [Published March 22, 1880.]

CHAPTER 319.

AN ACT to authorize John A. Humbird, William H. Phipps, P. B. Jewell and their associates and assigns, to construct and maintain a boom in the St. Croix lake.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Location of boom.

SECTION 1. John A. Humbird, William H. Phipps, P. B. Jewell and their associates and assigns, are hereby authorized and empowered to construct, maintain and keep in repair, a boom or booms on the lake St. Croix, extending from the railway bridge across said lake belonging to the Chicago, St. Paul & Minneapolis railway company, along the Wisconsin shore of said lake for a distance of two miles; said boom to be used for the purpose of receiving, sorting, rafting and otherwise handling logs and timber. The said parties shall have exclusive direction of the rafting, handling and delivery of logs in said boom, and may make and maintain reasonable rules and regulations in that regard.

Charges for boomage.

SECTION 2. The said parties are hereby authorized to charge, receive and collect such sum not exceeding fifty cents per thousand feet, board measure, as they may elect, as boomage on all logs and timber turned out, assorted, rafted or made ready for delivery in or from said boom, such charge to be exclusive of rafting timber, and fastenings; said boomage shall be due and payable when such logs or timber are so made ready for delivery, and if not then paid the said parties may then, or at any time thereafter before the payment

thereof, take, have and dispose of. as their absolute property, a sufficient quantity of such logs or timber to pay the boomage due thereon; and for all boomage so due on any logs or timber which may have been so received and handled in said boom, or made ready for delivery, and delivered pursuant to the provisions hereof the said parties shall have a lien on all other logs or timber of the same mark, or of different mark belonging to the same owner which may be in their possession, and may take, have and dispose of as their property, a sufficient quantity thereof to pay such boomage due as aforesaid: *provided, however*, that nothing herein contained shall be so construed as to require the said parties to receive and handle in said boom logs or timber other than such as may be transported over the north Wisconsin or Chicago, Saint Paul and Minneapolis railways: *provided, further*, that the said parties in the exercise of the powers hereby granted shall be bound to the use only of reasonable skill, care and diligence.

Charges to be lien upon logs.

Proviso.

Proviso.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 190, S.] [Published March 22, 1880.]

CHAPTER 320.

AN ACT to authorize Oscar F. Knapp and Charles E. Mears to keep and maintain a ferry across the St. Croix river and between the town of Osceola Mills, Wisconsin, and Minnesota.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Oscar F. Knapp and Charles E. Mears, their executors, administrators and assigns, shall have the exclusive right and privilege, for the term of fifteen years, of keeping and maintaining a ferry across the St. Croix river, between the town of Osceola Mills, Polk county, Wisconsin, and the Minnesota shore.

Location of ferry.

SECTION 2. The ferry shall be subject to such regulations as other ferries are or may be by law, and the proprietors thereof shall be entitled to receive for crossing any vehicle drawn by two horses or mules or one yoke of oxen, twenty-five cents, and for each additional horse, mule or ox, five cents; for every single horse and rider, ten cents; for any vehicle drawn by a single horse or mule, fifteen cents; for each single cow, ox, mule, calf, horse or bull, ten cents; for each foot passenger, ten cents; for sheep or swine in droves of

Rates of toll.

ten or more, five cents each; for freight, lumber and merchandise, not with team, per barrel, five cents; per one hundred pounds freight, five cents; per hundred feet of lumber, five cents.

Penalty for maintaining unauthorized ferry.

SECTION 3. If any person or persons shall, after the establishment of said ferry, set up, keep or maintain any ferry, or shall carry any person, goods or chattels for hire or pay, across the St. Croix river from or to any place on the Wisconsin side or shore of said river, within two miles of the points above named, every person shall, for every such offense, forfeit and pay a penalty of ten dollars to be recovered before any justice of the peace in and for said county of Polk: *provided*, that nothing herein contained shall be deemed or construed to prevent any person who resides on the east bank of said river from the right of making use of his own boats in transporting himself or property across the same at pleasure.

Proviso.

Bridges across sloughs, etc.

SECTION 4. The said Oscar F. Knapp and Charles E. Mears, their heirs, executors or administrators are hereby empowered to build a bridge or bridges across any slough or sloughs in said St. Croix river within the limits specified above for the purpose of reaching said ferry: *provided*, that said bridge or bridges shall in no way interfere with the driving or running of logs and lumber, or with the navigation of said river or sloughs, and said bridges so built shall be owned and controlled by said Oscar F. Knapp.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 52, S.] [Published March 25, 1880.]

CHAPTER 321.

AN ACT for the protection of brook trout in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When trouting is prohibited.

SECTION 1. Any person who shall catch or take, or attempt to do so, from any stream, lake or other waters in this state, any brook trout, by any device or means whatsoever, between the fifteenth day of September and the succeeding fifteenth day of April, in any year, or who shall catch or take, or attempt so to do, from any such stream, lake or other waters, at any time, by any device or means other than by hook and line, or angling, or who shall have any brook trout in his pos-

ession or custody taken by any means or device except hook and line or angling, or between the fifteenth day of September and the succeeding fifteenth day of April in any year, shall be punished by fine not less than five dollars nor more than one hundred dollars, together with costs of prosecution for every such offense, and shall be imprisoned in the county jail until such fine and costs are paid.

Penalty for violation.

SECTION 2. Upon verbal complaint made to any sheriff, constable or fish warden, that the provisions of this act have been violated, such sheriff, constable or fish warden shall make complaint before the proper court and upon warrant to arrest the offender or offenders, and take him or them before the proper courts for trial, and shall seize any brook trout taken and any net or other device set or used contrary to the provisions of this act, and convey the same to a place of safety, and shall at once make an inventory of the property and fish, or either, so seized, and file the same in said court.

Duty of officer.

SECTION 3. If such offender shall fail to pay such fine as said court shall inflict, together with costs, including the necessary expenses of the seizure and care of any property of any kind seized under the provisions of this act, the said court shall forthwith issue an execution for the enforcement of the same, which shall be levied upon the property of such offender, to make the amount of such fine and costs, and such execution shall be enforced in the same manner as executions issued out of the courts of justices of the peace upon judgments entered therein: *provided*, that whenever brook trout shall be seized under the provisions of this act, the sheriff or other officer having them in custody, shall forthwith sell the same for the best price for cash, and the proceeds thereof shall be paid into court the same as if derived upon execution as herein provided.

In case of failure to pay fine.

Proviso.

SECTION 4. Any person violating the provisions of this act may be arrested upon a warrant issued by the proper court in a county nearest and most accessible in the discretion of the officer issuing such warrant, to the place where the offense is committed, and taken to such county for trial.

Warrant for arrest.

SECTION 5. Justices of the peace shall have jurisdiction for the enforcement of the provisions of this act and for the punishment of offenders thereof; and all fines received under the provisions of this act shall be paid one-half to the informer and the other half into the school fund.

Jurisdiction of justices of the peace.

Revised statutes amended.

SECTION 6. Subdivision six of section six hundr and seventy, and section four thousand five hundr and sixty-one, of the revised statutes, and chap seventy-six of the laws of 1875, and all other acts laws of this state in conflict with the provisions of t act, be and the same are hereby repealed.

SECTION 7. This act shall take effect and be force from and after its passage and publication.

Approved March 16, 1880.

[No. 167, S.] [Published March 24, 1880.]

CHAPTER 322.

AN ACT to consolidate and amend an act entitled an act to i corporate the city of Madison, and the several acts amend tory thereof.

The people of the state of Wisconsin, represented in sena and assembly, do enact as follows:

CHAPTER I.

CITY OF MADISON — ITS CORPORATE POWERS.

Corporate powers.

SECTION 1. All that district of country in th county of Dane, hereinafter described, from and after th seventh day of March, in the year of our Lord one thou sand eight hundred and fifty-six, shall be a city by th name of Madison, and the people now inhabiting an those who shall inhabit said district shall be a municip corporation, by the name of the city of Madison, an shall have the general powers possessed by municipa corporations at common law, and in addition thereto shall have and possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

CITY BOUNDARIES.

Boundaries.

SECTION 2. All of section six (6) except the east half of the southeast quarter; all of section seven (7) except the east half of the northeast fractional quarter, in township number seven (7) north, of range number ten (10) east; lots three (3) and four (4) in the southeast quarter of section twelve (12); also the southeast quarter of the southeast quarter of section twelve (12); all of sections thirteen (13) and fourteen (14), twenty-three (23) and twenty-four (24); all of the south fractional half of section

fifteen (15), the east fractional half of section twenty-two (22), the east fractional half of the southwest quarter of section twenty-two (22), and that part of the northwest quarter of section twenty-two 22) that lies north of the Milwaukee and Prairie du Chien railroad; so much of the north part of the west half of the northwest quarter of section twenty-six (26) as is covered by the recorded plat of "Greenbush addition to the village of Madison," and the northeast fractional quarter of section twenty-seven (27), in township number seven (7) north, of range number nine (9) east of the fourth principal meridian, in the state of Wisconsin, together with the entire surface of lakes Mendota and Menona to the shores at high water mark around the same, shall be included in and constitute the limits of the city of Madison.

WARD BOUNDARIES.

Ward boundaries.

SECTION 3. The city of Madison shall be divided into five wards, as follows, to-wit: All that part of said city lying north and west of lines drawn through the center of Wisconsin and Washington avenues, Washington street and the Mineral Point road, as far west as Francis street, shall constitute and be known as the first ward. All that part of said city lying north and east of lines drawn through the center of Wisconsin and Washington avenues and Winnebago road, to the city limits, shall constitute and be known as the second ward. All that part of the city lying south and east of a line drawn through the center of Monona and Washington avenues and Winnebago road, shall constitute and be known as the third ward. All that part of said city lying south and west of a line drawn through the center of Washington and Monona avenues, Washington street and the Mineral Point road, shall constitute and be known as the fourth ward; and all that part of said city lying west of Francis street, bounded north by the fourth lake and south by the Mineral Point road, west to the city limits, shall constitute and be known as the fifth ward.

COMMON COUNCIL.

Corporate authority.

SECTION 4. The corporate authority of said city shall be vested in one principal officer, styled the mayor, in one board of aldermen, consisting of three members from each ward, who, with the mayor, shall be denominated the common council, together with such other officers as are hereinafter mentioned, or may be created under this act.

CHAPTER II.

ELECTIVE OFFICERS.

Terms of officers.

SECTION 1. The elective officers of said city shall be a mayor and a treasurer, for the city at large, and three aldermen and one justice of the peace for each ward, which said officers shall hold their respective offices as follows: The mayor, treasurer and two aldermen in each ward for one year; one alderman in each ward, and justices of the peace for two years. The mayor and treasurer shall be qualified voters and residents of said city, and the ward officers shall be qualified voters and residents of the respective wards for which they are elected. The term of officers shall commence on the third Tuesday of April in each year in which such officers have been elected. Each of said officers shall continue in office for his respective term and until his successor is elected and qualified, and shall have such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of said city not inconsistent with this act, or which may not be incompatible with the nature of their respective offices.

ANNUAL ELECTIONS — HOW CONDUCTED — WHEN POLLS SHALL BE OPEN.

Elections.

SECTION 2. The qualified voters of the city of Madison shall hold an election on the first Tuesday of April in each year, for the election of city and ward officers herein designated, and shall be presided over by the inspectors of election appointed under the general laws of this state, who shall see the names of the voters registered, and the ballots safely deposited in the ballot box; shall decide all questions that may arise as to the legality of the votes presented; shall count the ballots at the close of the polls, and shall certify and seal two returns; and the day following the election shall direct and return one of the said returns to the city clerk of the city of Madison, and the other to the county clerk of the county of Dane. The mayor of the city and such members of the common council as shall hold over shall consitute a board of canvassers, who shall, within five days after such election, meet at the common council chamber and canvass such returns; and after the aforesaid returns have been canvassed by said board, the mayor shall notify, by a certificate, the persons elected to the respective offices. The polls shall be kept open in the respective wards from nine o'clock in the forenoon

until five in the afternoon. Said elections shall be conducted in accordance with this act and of the existing laws of the state of Wisconsin, and any frauds or violation of said laws at such elections shall be punishable in the same manner as any violation of the election laws in any part of the state.

VACANCIES — HOW FILLED.

SECTION 3. In the event of a vacancy in the office of mayor, justice of the peace or alderman, by death, removal or other disability, the common council shall order a new election, and shall give five days notice thereof. Any vacancy in other offices shall be filled by the common council. The person appointed or elected to fill a vacancy, shall hold the office and discharge the duties thereof for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill. Vacancies.

ELECTION BY BALLOT — TIE VOTE.

SECTION 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. All elections by the counsel shall be viva voce, except as hereinafter provided. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council, at such time and in such manner as it may direct. Elections; tie vote.

QUALIFIED ELECTORS.

SECTION 5. All persons who are qualified electors of the state of Wisconsin shall be deemed qualified electors of said city and ward. Qualified electors.

CHALLENGE OF VOTERS — OATH — PENALTY FOR ILLEGAL VOTING — INSPECTORS TO KEEP LIST.

SECTION 6. If either of the inspectors of election shall suspect that any person offering to vote does not possess the necessary qualifications of an elector, or if such vote be challenged by an elector, the inspector, before receiving any such vote, shall require the voter offering his vote to take the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in the state of Wisconsin one year next preceding this election; and that you are a resident of this Challenges.

ward, and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a willful and corrupt perjury, and upon conviction thereof shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to prosecution, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars nor less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose vote may be challenged as aforesaid, and shall swear in their votes. And if any inspector shall knowingly or corruptly receive the vote of any person not authorized to vote, or shall make out false returns of any election, or if any clerk shall not write down the name of every voter as he votes, or shall willfully make untrue and incorrect counts and tallies of votes, each and every inspector or clerk shall be liable to prosecution, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the circuit or municipal court for the county of Dane.

Penalty for illegal voting.

Liability of inspectors.

SPECIAL ELECTIONS.

Special elections.

SECTION 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by inspectors of election, as provided by this act, and returns thereof shall be made in the same time form and manner as of annual elections.

CLASSIFICATION OF ALDERMEN.

Terms of aldermen.

SECTION 8. The aldermen of each ward who are now in office shall continue in office until the expiration of the terms for which they were respectively elected, and there shall be elected annually, on the first Tuesday in April, one alderman in each ward who shall hold his office for two years, and one alderman who shall hold his office for one year. The alderman in each ward having the highest number of votes shall be the alderman for two years.

WHEN OFFICE DEEMED VACANT.

Act to constitute vacancy.

SECTION 9. Any officer removing from the city,

and any ward officer removing from the ward for which he was elected, and any officer who shall neglect or refuse to qualify on or before the third Tuesday of April next after his election, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided. All officers appointed or elected to fill any vacancy shall enter upon the duties of such office immediately after receiving notice of such election or appointment.

CHAPTER III.

OATH OF OFFICE — OFFICIAL BOND.

Oath of office.

Bonds.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the city clerk; and the treasurer, chief of police, street superintendent, and justices of the peace, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Madison a bond, in such sum and with such security and such conditions as the common council may direct; and the common council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

MAYOR — HIS DUTIES — TO APPOINT POLICE — THEIR COMPENSATION.

Power and duties of mayor.

Of the police.

SECTION 2. The mayor, when present, shall preside over the meetings of the common council, and shall take care that the laws of the state and the ordinances of the city within the corporation are duly enforced and observed, and that all officers of the city discharge their respective duties. He shall also appoint a chief of police and three policemen, which appointments shall be approved by the common council before they shall enter upon the duties of their office; and the compensation of the chief of police shall not exceed two dollars and fifty cents per day, to be determined by the common council; and the three policemen shall receive the fees allowed to constables for the same services, and in addition shall be paid such compensation per diem, not exceeding one dollar per day, as the common council may determine. The mayor may also appoint as many special or temporary police on election days or other public or unusual occasions, as he may think proper. Such special policemen shall receive for their services the same fees allowed by law to

constables for similar services, and no per diem shall be paid to any special police officer of the city, except when a special order or direction of the mayor shall be given for that purpose, and not exceeding one dollar per diem for each officer so ordered to be compensated. When any such order or direction shall be given by the mayor, he shall report the fact at the next meeting of the council, with the name or names of the persons so to be compensated for such services, which order or direction, if not countermanded by the mayor shall continue in force until disapproved by a vote of a majority of all the members elect of the council. The common council may by ordinance prescribe the powers and duties of police and other peace officers. The mayor shall communicate in writing to the common council, once a year, such information as he may deem necessary, and at all times give such information as the common council may require.

Council may prescribe power, etc., of police.

FIRST MEETING OF THE COUNCIL—TO ELECT PRESIDENT.

Council to elect president.

SECTION 3. At the first meeting of the common council in each year, or as soon thereafter as may be, it shall proceed to elect, by ballot, one of its number president, and in the absence of the mayor, the said president shall preside over the meetings of the common council; and during the absence of the mayor from the city, or his inability, from any reason, to discharge the duties of his office, the said president shall exercise all the power and discharge all the duties of mayor. In case the mayor and president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge the duties of mayor. The president or temporary presiding officer, while presiding over the council, or performing the duties of mayor, shall be styled acting mayor, and acts performed by them shall have the same force and validity as if performed by the mayor. But the president of the council as acting mayor shall sign no order, warrant or other proceeding whatever, which the mayor has refused to sign and communicated such refusal to the council.

Powers of president limited.

CITY CLERK—HIS DUTIES.

Powers and duties of clerk

SECTION 4. The common council shall elect a city clerk. He shall keep the corporate seal, and all the papers and records of the city. He shall attend the meetings and keep a record of the proceedings of the

common council. The records of the common council kept by him shall be evidence in all legal proceedings, and copies of all papers filed in his office, and transcripts from the records, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall keep a full and accurate account of all certificates of appropriation and orders drawn on the city treasury, in a book provided for that purpose, and shall also keep an accurate account with the treasurer and charge him with all the tax lists delivered to him for collection, and all sums of money paid into the treasury. Whenever the clerk shall be absent from any meeting, the city council may appoint a clerk pro tem. The city clerk shall have power and authority to administer oaths and affirmations.

TREASURER — HIS DUTIES.

SECTION 5. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, together with an account of all disbursements, in such manner as the common council shall direct. He shall report to the common council as often as required, and annually, at least ten days before the annual election, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which statement shall be filed with the clerk. The compensation of such treasurer shall not exceed eight hundred dollars annually, and at that rate for parts of a year, such compensation to be fixed and determined by the common council. And all the fees and percentage heretofore charged and collected by such treasurer shall still be charged and collected by him, and when so collected, no part thereof shall belong to such treasurer, but the same shall be paid into the city treasury for the benefit of the city; and the salary of such treasurer, as determined by the common council, shall be paid in full for all his services as such treasurer, and shall be paid at such time or times as the common council may determine. Duties of treasurer.

CHIEF OF POLICE — POLICEMEN — THEIR DUTIES.

SECTION 6. The chief of police shall perform such duties as shall be prescribed by ordinance for the preservation of the public peace, and the collection of fines and license moneys. He shall possess the power of a constable at common law, or by the laws of this state, and receive like fees. The said policemen of Chief of police; his duties.

each ward shall be under the control and direction of the mayor and chief of police, and shall have all the powers and perform all the duties of a constable under the laws of the state of Wisconsin: *provided*, that the chief of police and ward policemen shall not go beyond the city limits to make arrests or to serve any process unless the cause for making such arrest or for issuing such process arise within the city.

Of policemen.

MAY REQUIRE OTHER DUTIES.

Further duties may be required.

SECTION 7. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed; and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by it, such compensation to be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

PRINTING TO BE LET TO LOWEST BIDDER.

Printing let to lowest bidder.

SECTION 8. The common council shall annually provide that all printing authorized or required by it to be done for its use or for the city, shall be let by contract to the lowest bidder for the term of one year, but no bid therefor shall be considered unless made by the publisher of a daily newspaper, printed and published in the city of Madison, unless the bids of such publishers shall be higher than the rates of legal advertising as fixed by law, or unless such publishers should fail to bid. All ordinances and other proceedings required by this act, or by the laws or ordinances of the common council, to be published shall be published in the newspaper selected under the provisions of this section. And the printer of said newspaper shall, either in person or by his foreman, file with the clerk of the city his or their affidavits of the length of time said ordinance, by-law or proceeding has been published; and such affidavits shall be prima facie evidence of the publication of such notice, ordinance, proceeding or by-law.

MONEY, BOOKS, ETC., TO BE DELIVERED TO SUCCESSOR — PENALTY.

Penalty for not delivering books, etc., to successor.

SECTION 9. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, moneys, books, papers and effects of every de-

scription in his possession belonging to said city or pertaining to the office he may have held, he shall forfeit and pay one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

PEACE OFFICERS.

SECTION 10. The mayor, sheriff of Dane county, each and every alderman, justice of the peace, policeman and watchman, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purposes may command the assistance of all bystanders, and if need be of all citizens. If any person or bystander shall refuse to aid in maintaining the peace, when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order above mentioned in this section, shall direct the proceedings. Of peace officers.

MAY ELECT STREET SUPERINTENDENT, SURVEYOR AND BOARD OF EDUCATION.

SECTION 11. On the third Tuesday of April in each year, or within ten days thereafter, the common council may elect one superintendent of streets and a city surveyor, and a city attorney, and at the same time the said council shall elect one of its number to be a member of the board of education, each one of which shall hold his office until the next third Tuesday in April; and the common council shall have power to fill, from time to time, vacancies that may exist in said offices. Street superintendent, surveyor and board of education may be elected.

SHALL ELECT ASSESSOR.

SECTION 12. The common council shall, on the first Monday of September in each year, or within twenty days thereafter, elect one assessor, who shall hold his office for the term of one year. Assessor to be elected.

DUTIES OF ASSESSOR.

SECTION 13. The assessor so elected shall assess all the taxable property of the city of Madison as required by law, without regard to wards, and shall complete and return his assessment roll to the common council on the day fixed by the general laws of this state. The assessor shall receive for his services such compensation Duties and compensation of assessor.

as the common council shall determine, not exceeding the sum of five hundred dollars for the term for which he was elected.

DUTIES OF STREET SUPERINTENDENT.

Duties of street superintendent

SECTION 14. The superintendent of streets shall perform the duties, and under the restrictions and for the compensation prescribed in section seven, of chapter six of this act, and such other duties as may be required of him by this act and the ordinances of said city, not inconsistent with this act.

ALL PLANS, ETC—CITY PROPERTY.

Duty of surveyor.

SECTION 15. The city surveyor shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe the duties and fix the fee and compensation for any service performed by him. All surveys, profiles, plans and estimates made by him for the city shall be the property of the city, and shall be carefully preserved in the office of the surveyor, open to the inspection of the parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

CHAPTER IV.

COMMON COUNCIL.

Common council.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city of Madison do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen shall constitute a quorum.

STATED AND SPECIAL MEETINGS.

Meeting.

SECTION 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their usual places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualification of its own members; and have power to compel the attendance of absent members and enforce its rules; to punish by fine and imprisonment, by a vote of two-thirds its members, any member for disorderly or contemptuous conduct, and by a vote of two-thirds its members may expel any member for cause.

GENERAL POWERS OF COUNCIL.

SECTION 3. The common council shall have the control and management of the finances, and of all property of the city, and shall likewise, in addition to the powers herein vested in it, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of the trade, commerce and health, as it shall deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinance, rule or by-law; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority by ordinances, resolutions or by-laws: Powers of council.

LICENSE SHOWMEN, ETC.

1st. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables and bowling saloons, and to provide for the abatement and removal of nuisances under the ordinances or at common law; and to grant licenses for selling spirituous, vinous or fermented liquors, and to regulate and license groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and to revoke the same for a violation thereof: *provided*, that the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of the state, and that no license shall be granted for a less time than one year from the date of filing the application for such license in the office of the city clerk; and in case the person so applying for a license shall have a former license within the year next preceding such application, then such license shall be granted for the term of one year from the date of the expiration of such former license. Showmen.

PROHIBIT GAMING.

2d. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain any Gaming and liquors.

person from vending, giving or dealing in spirituous or vinous liquors, unless duly licensed by the common council.

PREVENT RIOTS, ETC.

Riots, etc.

3d. To prevent any riots, noise, disturbances or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming.

CLEANSE NAUSEOUS PLACES.

Abatement of nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

LOCATE SLAUGHTER HOUSES.

Slaughter houses.

5th. To direct the location and management of slaughter houses and markets, and to prevent the erection, use or occupation of the same where the offal or filth thereof shall discharge into the waters of the lakes; and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of the same or other explosive materials.

Gunpowder.

GRADE STREETS.

Repair of streets, etc.

6th. To provide for the making, grading, improving and repairing the streets of the city of Madison, and to provide for the making, constructing and repairing gutters and sidewalks in said city, and to prevent the encumbering of the streets, sidewalks, lanes and alleys with carriages, sleighs, boxes, lumber, fire wood, or other materials or substance whatever.

PREVENT HORSE RACING.

Horse racing, bathing, etc.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said city.

RESTRAIN CATTLE.

Restrain cattle.

8th. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same.

DOGS.

Dogs.

9th. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary

manner when at large contrary to the ordinances of said city.

PUTRID CARCASSES.

10th. To prevent persons from bringing, depositing, or having within said city or placing in the lakes adjacent to the said city, any putrid carcass, or other unwholesome or nauseous substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, hides, or skins of any kind; or on default, to authorize the removal by some competent officer at the expense of such person or persons. Putrid carcasses, etc.

POUNDS.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of the city; to regulate and to license hacks, cabs, drays, carts, and the charges of hackmen, cabmen, draymen and cartmen in the city, and to erect lamps and to provide for lighting the streets, public grounds and public highways with gas or otherwise. Pounds, waterworks hackmen, etc.

BOARD OF HEALTH.

12th. To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation. Board of health; burial of dead, etc.

WEIGHT OF BREAD.

13th. To establish the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto. Weight of bread.

RIDING ON SIDEWALKS.

14th. To prevent all persons riding or driving any horse or mule, cattle and other animals on the sidewalks in said city, or in any way doing damage to such sidewalks. Prevent damage to sidewalks.

FIREARMS, ETC.

15th. To prevent shooting off fire-arms or crackers, and to prevent the exhibition of fire works in any situation which may be considered by the council dangerous to the city, or any property therein or annoying to the citizens thereof. Fireworks.

RESTRAIN DRUNKENESS.

16th. To restrain drunkards, immoderate drinking, Drunkenness, etc.

or obscenity in the streets or public places, and to provide for arresting, removing and punishing any person or persons who may be guilty of the same.

REGULATE RUNNERS.

Regulate runners.

17th. To restrain and regulate runners and solicitors for boats, vessels, stages, cars, public houses, and other establishments.

POLICE.

Police.

18th. To make rules and ordinances for the government and regulation of the police of the city.

PUBLIC MARKETS.

Public markets.

19th. To establish public markets, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to punish or restrain all persons for interrupting or interfering with the due observance of such rules and regulations; to license and regulate butchers' stalls, shops and stands for the sale of game, poultry, meats, fish and other provisions.

HAY, WOOD, ETC.

Hay, lime and fuel.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel, lime, and other gross commodities, and to appoint suitable persons to superintend and conduct the same.

REMOVE SNOW, ETC.

Obstructions of sidewalks.

21st. To compel the owners of buildings or grounds, or the occupants, where the same are occupied, to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substances by some officer of the city, at the expense of such owner or occupant.

CONTAGIOUS DISEASES.

Contagious diseases.

22d. To regulate, prevent and control the landing of persons from boats, cars and stages, wherein are contagious and infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

AUCTIONS AND AUCTIONEERS.

Auctions and auctioneers.

23d. To regulate the time and manner of holding public auctions and vendues, and to regulate the sale of goods, wares and merchandise, and other property

at public auction, and to grant licenses for the sale of goods, wares and merchandise and other property at public auction, and to prescribe and fix the amounts to be paid for such licenses: *provided*, it shall not be lawfull to charge less than five dollars nor more than five hundred dollars for any such license for one year: *and provided also*, that nothing in this section shall prohibit, or affect in any manner, sales at auction in cases specified in section one thousand five hundred and eighty-five of the revised statutes.

WATCHMEN.

24th. To appoint watchmen and prescribe their duties. Watchmen.

WEIGHTS AND MEASURES.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of any person using or keeping any false weights and measures. Weights and measures.

26th. The common council shall have jurisdiction over the entire lakes bordering on the city, and may enact and enforce ordinances or by-laws for the preservation of fish in the waters thereof, or outlets between the same, so as to prohibit, regulate or license the taking or killing of fish in the waters thereof at any time; and may also, by ordinance or resolution, prevent any deterioration of the said waters, or any nuisance being cast therein by which the health of the inhabitants of the city or the purity of the water shall be impaired, as it shall deem expedient. Council to have jurisdiction of the lakes.

TREES.

27th. The common council shall have power to require the owner of any lot or grounds in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof, to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same. Trees.

28th. The common council shall have power to grant permission for the construction of drains to empty into either of the lakes adjoining the city: *provided*, that all such drains shall be constructed of metal or cement pipe, and shall empty into the water where it is at least six feet in depth. Drains.

APPROPRIATIONS — DEBT — VETO — ORDINANCES TO BE PUBLISHED.

SECTION 4. No appropriation shall be made, nor shall any debt be created or liability incurred against Council may make appropriations, etc.

the city, except by a vote of a majority of all the members of the council; and all laws, ordinances, rules and resolutions shall be passed by an affirmative vote of a majority of all the members of the common council; and all ordinances before the same shall be in force, shall be signed by the mayor; and all resolutions or measures for the appropriation of money whereby a debt shall be created against or a liability incurred by the city, shall be approved by the mayor before the same be in force; and all ordinances shall be published in a public newspaper printed at the city of Madison, to be selected by the common council, before the same shall be in force; and within fifteen days after publication, such publication being duly proved by the affidavit of the printer or foreman of the printers of such newspaper, the city clerk shall record such ordinance and affidavit in a book provided for that purpose, and such affidavit shall be prima facie evidence of such publicaton.

Ordinances, how enacted.

COMMON NUISANCES.

Nuisances defined.

SECTION 5. The power conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor; houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, stored or kept, at any one time, are hereby declared and shall be deemed public or common nuisances.

AUDIT ACCOUNTS — MAY REQUIRE EXHIBITION OF BOOKS AND VOUCHERS.

Council to examine and audit accounts.

SECTION 6. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, chief of police, street superintendent, and all other officers or agents of the city, at such time as it deems proper, and also, at the end of each year, and before the time for which the officers of said city are elected or appointed shall have expired. And the common council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of the council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers

Penalty for failure to produce books, vouchers, etc.

to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements; and the common council shall have power by an affirmative vote of two-thirds of its members, upon reasonable notice, for cause, to remove from office any officer of the city, elected by the common council, or whose appointment shall have been confirmed by it.

Removals for cause.

CHAPTER V.

OPENING STREETS, ETC., BY PETITION.

SECTION 1. The common council shall have power to lay out public squares, grounds, streets and alleys, and to widen the same, as follows: Whenever ten or more freeholders, residing in any one ward, shall, by petition, represent to the common council that it is necessary to take certain lands within the ward where such petitioners reside, for the public use, for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening of the same, the courses and distances, metes and bounds of the lands proposed to be taken, together with the names and residences of the owners of such premises, if the same shall be known to the petitioners, to be set forth in such petition, the common council may then, by resolution, resolve to grant the prayer of said petitioners; and it shall forthwith cause an accurate survey and plat of all lands necessary for said purposes, to be made and filed with the city clerk, and it may purchase or take by donation such grounds as shall be needed, by agreement with the owner, and take from them conveyances thereof to the city for such use or in fee; but otherwise it shall by resolution declare its purpose to take the same and therein describe by metes and bounds the location of the proposed improvement, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by a distinct owner, mentioning the names of the owners or occupants so far as known, and therein fix a day, time and place, when and where it will apply to the county judge of Dane county for a jury to condemn and appraise the same.

Power to lay out streets and alleys.

SECTION 2. It shall thereupon cause to be made by the city clerk a notice of the adoption of said resolu-

Notice of application.

tion, embracing a copy thereof, and notifying all parties interested that the common council will, at the time and place named, apply to the county judge, for the appointment of a jury to condemn and appraise such lands. A copy of such notice shall be served by the street superintendent or any policeman of said city, on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in an action in the circuit court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all of the parcels, then the same shall be also published once in each week, for three consecutive weeks, in a newspaper published in said city; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice be a minor or of unsound mind, the county judge shall before proceeding on the day fixed for hearing such application, appoint for him a guardian for the purposes of such proceeding, who shall give security to the satisfaction of the county judge, and act for such ward.

Appointment of jurors.

SECTION 3. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of the service of the notice as provided in the last section, shall be filed with the county judge who shall thereupon make a list of twenty-four competent jurors, residents of said city, but not residents of said ward nor interested in said application. He shall hear and decide any challenges for cause or favor made to any one, and if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under direction of said county judge, each party, the common council by the city attorney of said city on the one side, and the owners of land or their agents present, or if none be present, or if they disagree, a disinterested person appointed by the county judge on the other, shall challenge six names, one at a time, alternately, the common council beginning. To the twelve jurors remaining, the county judge shall issue a precept, requiring them at an hour, on a day named, not more than ten, nor less than three days thereafter, to appear before him to be sworn and

serve as a jury to view lands and appraise damages, in the said proceeding, and at the same time shall publicly adjourn the proceedings to the time and place so named; such precept shall be served by the street superintendent or any policeman of said city, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode, in presence of a member of his family.

Service of precept.

SECTION 4. The jurors summoned shall appear at the time and place named; and if any be excused by the county judge, or fail to attend he shall direct other qualified disinterested persons to be forthwith summoned in their stead, until twelve be obtained. The county judge shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

Oath of jurors.

SECTION 5. Under the direction of said county judge the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party; and for such purpose, such county judge shall possess the same powers as a court in session, with a jury, and if there be necessity, may adjourn the sitting from day to day. The jury shall render a separate, unanimous verdict, in writing, signed by it, in which it shall find whether it be necessary to take such lands or any part thereof, for such purpose, describing such as it finds necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisement of damages, specifying therein the damages to each owner, and separately the value of the land taken from each, and the damage otherwise sustained by each, by reason of the taking thereof; in estimating which it shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvement; and a majority of such jury may render such verdict or appraisement of damages, and shall sign the same. Any technical error in such verdict may be immediately corrected, with the consent of the jury, and shall be thereupon discharged, and its verdict filed by the county judge. In case the jury shall fail to find a verdict, another jury shall be then and there selected, and shall be summoned and sworn, and shall proceed in the same manner.

Viewing of premises.

Report of jurors.

SECTION 6. Within ten days after such verdict,

Owner may appeal.

any land owner whose land has been found necessary to be taken, may appeal from the award of damages to him in such verdict to the circuit court, by filing with such county judge a motion of appeal, specifying whether the appeal is from the whole award to him or a part, and if a part, what part, and therewith an undertaking with two sufficient sureties to be approved by the county judge, to pay all costs that may be awarded against such appellant on appeal, and paying said county judge for his return thereof. The city may likewise appeal from the award of damages to any owner, by filing with such county judge a notice of appeal, specifying whether the appeal is from the whole award to such owner, or a part, and if a part, what part, and paying said county judge for his return on said appeal. Any party not so appealing shall be forever concluded by such verdict. Upon an appeal being taken, the county judge shall transmit to the clerk of the circuit court within ten days the notice of appeal and undertaking, and thereto annex a copy of all the papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing has expired, file with the city clerk, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the city clerk shall record all such proceedings.

In case of no appeal.

Transcripts to be filed with clerk.

How appeal to be tried.

SECTION 7. Upon filing such transcript in the circuit court, the appeal shall be considered an action pending in such court, and be so entered, the land owner as plaintiff, the city as defendant, and be subject to a change of place of trial, and appeal to the supreme court. The appeal shall be tried by a jury, unless waived; and costs shall be awarded against the appellant, if a more favorable verdict be not obtained than the one appealed from; otherwise, against the respondent. Upon entry of judgment, the clerk of the circuit court shall transmit a certified copy thereof to the city clerk.

Condemning of land.

SECTION 8. If the verdict of the jury shall determine that it is necessary to take such land, or any part thereof, the common council may, upon return thereof to the clerk, enact an ordinance according thereto, for laying out or widening any such street, public square, grounds or alleys, but shall not enter upon any such land therefor until the owner be paid in full the damages awarded him by such verdict or appraisement, or

such damages be set apart for him in the hands of the city treasurer, there permanently to remain subject to his order. At any time before causing any such land to be actually taken, or put to public use, and before the rendition of a judgment in the circuit court for damages, the common council may discontinue all proceedings theretofore taken, and the city shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the city, except when it recovers costs in the circuit court or supreme court. All jurors and witnesses in proceedings under this chapter shall receive the same fees as jurors and witnesses in the circuit court.

Payment of expenses, etc.

SECTION 9. For the payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in this chapter, the common council of said city may, by resolution, levy and assess the whole or any part not less than one-half of such expenses as a tax upon such property, as it shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the mayor and city clerk, shall be published once in each week for two weeks in a newspaper published in said city, and a notice therewith that, at a certain time therein stated, the said common council will meet at its usual places of meeting and hear all objections which may be made to said assessment, or to any part thereof. At the time so fixed the said common council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and at the conclusion of such hearing may modify said assessment in whole or in part, and shall adopt a resolution which shall be published in the same manner as ordinances of said city, levying said assessment as the same shall have been finally determined by said common council. The sums so assessed shall be a lien upon said lands upon which they are assessed from the date of the passage of said resolution, and the said several amounts shall be entered against said lot or lots in the tax roll, in addition to and as a part of all other city taxes therein levied on such land, to be collected therewith.

CHAPTER VI.

OF ORDINANCES, ETC., FOR REPAIRING OR IMPROVING STREETS.

Of ordinances for repair of streets.

SECTION 1. Every ordinance, resolution or by-law, providing for the repairing, construction or reconstruction of any sidewalk or gutter, or for the grading, repairing or improving any street at the expense, in whole or in part, of the owners of the lots or parcels of land abutting or fronting such sidewalk, gutter or street, shall, on being introduced at a meeting of the common council, be referred to some appropriate committee, and any such ordinance, resolution or by-law shall not be passed or adopted sooner than fourteen days after the introduction thereof, nor until ten days after the proceedings of the council had relative thereto, at the meeting when such ordinance, resolution or by-law was introduced shall have been published in the official newspaper of the said city.

MAY ESTABLISH GRADES.

Grades may be established.

SECTION 2. The common council of the city of Madison shall have power to establish the grade of the streets of the city of Madison, and to change and reestablish such grade as it shall deem expedient: *provided*, that whenever it shall change or alter the grade of any street, any person who shall claim to have sustained damages by such change or alteration of grade, shall have his right of action against the city for the recovery of such damages, but no suit shall be commenced against the city therefor, until application has been made to the common council to pay such damages, and said council shall have refused or neglected for three months to pay or settle the same.

DUTY OF SUPERINTENDENT.

Street superintendent.

SECTION 3. It shall be the duty of the superintendent of streets to see that all ordinances of the city relating to the obstruction and cleansing of sidewalks, streets, alleys, public grounds, reservoirs, gutters, sewers, waters of the lakes, and water courses in said city are duly observed and kept, and direct and control the persons employed therein. The superintendent of streets shall have a general supervision over all work let by contract for the improvement of streets or sidewalks in said city, unless the common council shall otherwise provide.

SIDEWALKS — HOW CONSTRUCTED AND REPAIRED — LET TO LOWEST BIDDER.

ow sidewalks

SECTION 4. Sidewalks shall be constructed, recon-

structed or repaired upon the proper established grade of any street in said city, of such width, in such manner, of such materials, and in such time as the common council, by ordinance, resolution, or order, shall direct, by the owner or owners of any lot or piece of ground in front of which such sidewalk shall be ordered. If the owner or owners of any such lot or piece of ground shall not construct such sidewalk as aforesaid, the common council may cause the same to be constructed at the expense of such owner or owners. The contract for the construction of any such sidewalk shall be let to the lowest reasonable responsible bidder, and notice shall be given by publication in the official paper of the city, for at least three days, of the time, place and manner of receiving such bids. The common council shall levy a special tax upon each lot or piece of ground in front of which any sidewalk shall be constructed by contract, sufficient to pay the cost of constructing the same: *provided*, that no such contract shall be let until thirty days after notice shall have been given to such owner or owners of the ordinance, resolution or order requiring the construction of such sidewalk, by the publication of the same at least ten days in the official paper of the city.

to be constructed and repaired.

COUNCIL MAY ORDER BUILDING OF SIDEWALKS BY TWO-THIRDS VOTE.

SECTION 5. The common council shall have power, by a vote of two-thirds of all the members of the council, to order the building, construction, reconstruction or repair of sidewalks in the city of Madison, in such manner as it may deem proper. The city clerk shall receive all proposals for constructing and repairing sidewalks, and shall open them in presence of the council, which shall award the contract to the lowest responsible bidder: *provided*, such bid is a reasonable one, subject to such provisions, in case of violation of contract, and to such other particular provisions as the council may prescribe. The proceedings for ordering the repair of sidewalks, and levying and collecting special taxes on the respective lots to pay for the same, shall be the same as herein provided as in case of constructing a new sidewalk, except as otherwise provided in this section. No contractor for building or repairing sidewalks shall receive any pay therefor from the city, under any circumstances, until the tax levied for that purpose shall have been paid to the city or county. Whenever a sidewalk shall be out of repair, and shall so remain for the space of twenty-four hours, which, in

Council may order building, repair, etc., of sidewalks.

Work to be paid by tax levied for that purpose.

the opinion of the superintendent of streets, will not cost to exceed the amount of five dollars, in front of any one lot, to repair the same, he shall be authorized, and it is hereby made his duty, to cause the same to be immediately repaired; and when the same is completed, he shall make out an itemized bill of the cost of such repairs, specifying the lot and block, or piece or parcel of land, in front of which said work was done, verified by his oath, and shall deliver the same to the clerk, and the clerk shall forthwith present the same to the owner of such lot or piece or parcel of land, if a resident of the city of Madison for payment; and if the owner of such lot, piece or parcel of land, shall refuse or neglect to pay the same for ten days, then the clerk shall report the fact to the council, and the council shall thereupon levy a special tax upon said lot, piece or parcel of land to pay the same, in the same manner as special taxes are levied for the construction of sidewalks. In case the owner of such lot, piece or parcel of land does not reside in the city of Madison, the said superintendent shall return said account to the common council with his certificate stating that fact, and the council shall thereupon levy a special tax to pay the same, in the manner in this section provided; no order for the original construction of any sidewalk shall be held valid unless the owner of the property to be taxed therefor, if a resident of the city, shall have two weeks' previous notice, in writing, of the proposed action of the council before such action is taken, and whereby such resident owner may be heard by the council, if objecting thereto, and such notice to be served by some officer of the city to be designated by the council.

POLL TAX — HOW COLLECTED AND EXPENDED.

Poll tax.

SECTION 6. Every male inhabitant in the city of Madison over twenty-one years of age, and under fifty, except active members of the fire department, shall pay into the city treasury annually the sum of one dollar each as a poll tax. The assessor shall, at the time of assessing the annual taxes in each year, make out duplicate lists of persons liable to pay such tax, and deliver one of said lists to the city clerk and one to the city treasurer at the time he returns to the city clerk his assessment roll of real and personal property of the city of Madison. The said assessor, in making such lists, shall designate the ward in which each person on said list resides; and the city treasurer shall collect the same at the time of collecting the annual taxes, and all

Collection of poll tax.

such taxes shall be paid to the city treasurer on or before the first day of February next after the delivery of said lists to him; and all persons liable to pay said tax who shall not have paid the same within five days after demand, either personally or by written notice left at their usual place of abode, shall be liable to and shall pay a penalty of two dollars together with the costs of prosecution, to be prosecuted for by said treasurer in the name of the city of Madison. The process in such case shall be by warrant, and in case judgment shall be rendered against the defendant in such action, and he shall refuse or neglect to pay such judgment, he shall be imprisoned in the county jail not to exceed ten days. The treasurer shall credit each ward of the city with the amount collected from the inhabitants of such ward. The moneys collected as above shall be kept as a distinct fund, and shall be expended under the direction of the senior alderman of each ward, and at his request, under the supervision of the superintendent of streets, on the repair and improvement of streets of their several wards, and to be drawn out upon itemized account certified to by the said senior alderman, and audited by the common council. The mayor, city clerk and treasurer shall constitute a board to determine the liability of persons to pay such tax; and all persons claiming to be exempt from such tax must apply to said board within twenty days from the time when said lists shall be delivered to the treasurer as aforesaid. The city treasurer shall receive the same fees for collecting said tax as he does for collecting taxes assessed upon real and personal property: *provided*, that if any person shall desire to, he shall be permitted to perform one day's work upon the streets of the city in the ward in which he resides, and the certificate of the superintendent of streets that such person has performed one full day's labor shall be received by the city treasurer in full discharge of such tax.

Expenditure of poll tax.

SUPERINTENDENT OF STREETS TO GIVE BOND—DUTIES—PER DIEM TO RECEIVE.

SECTION 7. The superintendent of streets shall, before entering upon the duties of his office, execute to the city a bond in the penal sum of one thousand dollars, with two sufficient sureties, to be approved by the council conditioned for the faithful performance of the duties of his office and for such other duties as may be required of him by the council, and for the proper expenditure of the money which may be col-

Bond, duties and compensation of street superintendent

lected or come into his hands by virtue of his office. He shall have a general supervision of all streets; he shall expend the money realized from the poll tax in each ward at such place in each ward as shall be designated by the senior alderman thereof; he shall, on the first day of September in each year, report to the council, in writing, under oath, a true and correct statement of all moneys received by him by virtue of this act, and from whom received, and how and when expended; and the said superintendent of streets shall be held strictly responsible for the full and complete execution of this act so far as the same relates to streets, according to the terms thereof, and the council may at any time remove him from office for neglect of duty, and appoint a competent man in his place. The street superintendent shall receive for his services not more than three dollars for each day actually and necessarily occupied by him in the discharge of his duties. The chief of police shall be street superintendent in any year when the common council shall so determine, and shall receive for his services as such superintendent such sum per day as the council shall determine, not more than one dollar per day.

MAY ADVERTISE AND LET TO LOWEST BIDDER.

Work to be let to lowest bidder

SECTION 8. The common council of said city shall have power, and may, in its discretion, by a vote of two-thirds of all the members, advertise and let to the lowest responsible bidder, whose bid it shall deem reasonable and proper, the construction of any sidewalk or gutter, or the making of improvement on or along any street in said city which shall have been ordered, and levy a tax upon each lot or piece of ground in front of which such sidewalk, gutter or improvement shall have been ordered and constructed under such contract, sufficient to pay the costs of constructing the same, without giving notice requiring the owner or owners of such lot or lots or pieces of ground to construct the same.

MAY CONTRACT FOR GRADING, ETC., OF STREETS.

Grading of streets, etc.

SECTION 9. The common council of the city of Madison shall have the power, by an affirmative vote two-thirds of all its members, to order and contract for the making, grading, paving and repairing and cleansing of streets and parts of streets, alleys, public grounds, reservoirs, gutters and sewers, in the manner hereinafter mentioned, and direct and control the persons employed therein.

COST OF SURVEY CHARGEABLE TO CITY — OF GRADING, ETC., CHARGEABLE TO LOTS.

SECTION 10. The cost and expense of surveying streets, alleys, sewers and gutters, and of estimating work thereon, in the execution of any public improvement, shall be chargeable to and payable by the city. The cost and expense of opening, grading, graveling, planking, paving or repairing streets and alleys, shall be chargeable to and payable wholly or in part by the lots or land fronting on such street or alley, so that each lot or parcel of land shall pay for work between the front of each lot or parcel of land and the center of such street or alley, or such proportion thereof as the common council shall determine. Sewers and gutters may be ordered by the common council, and built at the expense of the lots or parts of lots benefited thereby, and fronting upon the side of the street along which said sewer or gutter shall be constructed: *provided, however*, that when sewers or gutters are constructed through alleys, no lots shall be assessed therefor except those situated in the block through which such sewers or gutters may be constructed: *and provided further*, that in all cases when improvements or work of any kind are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys and public grounds shall be made and paid for by the city, in proportion to the width of the street, alley or public ground. Cost of surveying and grading streets chargeable to lots.

SHALL CAUSE ESTIMATES TO BE MADE — MAY AUTHORIZE LETTING BY CONTRACT — MAY ORDER STREET SUPERINTENDENT TO DO WORK.

SECTION 11. Whenever the council shall determine to make any public improvement, as authorized by this chapter, it shall cause to be made an estimate of the whole expense thereof, and of the amount thereof to be assessed and charged to each lot and parcel of land, and in case of grading, of the number of cubic yards to be filled in or excavated in front of each lot, and the proportion thereof across each street, alley or public ground as aforesaid; and such estimate shall be filed in the office of the city clerk for the inspection of parties interested, before such work shall be ordered to be done. The common council may authorize the letting of such work by contract to the lowest bidder, at the expense of the lots upon which such work is chargeable, in whole or in part, as aforesaid, all bids for doing the same to be approved by the coun- Estimates to be made. Of contracts.

cil; and the said council shall have power to reject any and all bids, and may require such contractors to perform such contract within such time and under such conditions, and to give such security for the performance of such work as it shall direct; such contract, when approved by the council, to be executed on the part of the city by the mayor, and countersigned by the city clerk; notice of the time and place of receiving such bids to be published for ten days in the official paper of said city.

IN CASE OF DEEP CUTTING AND EXTRAORDINARY FILLING.

Deep cutting and filling.

SECTION 12. Whenever the general interests of the city require deep cutting or extraordinary filling in any street, and the owners of the lots or lands fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the council in writing that the expenses of such excavation or filling will exceed the proportion that should be justly and equitably charged upon the property assessed therefor, the council shall require the chief of police to summon five freeholders, not residents of the ward, not interested in said lots or lands, who, after being sworn faithfully and impartially to discharge the trust reposed in them, shall examine the premises, and, if in their opinion, the cost of such work will exceed the amount that should be justly and equitably chargeable upon said premises, it shall be their duty to determine what portion of such work shall be chargeable to such lots or parcels of land respectively, and what lots or parcels of land on the street so to be improved will be benefited by such deep cutting or filling, and how much or what portion shall be chargeable to them, and to make a report thereof in writing, as soon as practicable, to the common council; and such proportion as shall be reported as properly chargeable to the lots or parcels first mentioned, shall be assessed upon and collected from the same, in the same manner as herein provided in case such owners shall not do such work, and the remainder shall be assessed upon the lots benefited by such improvement, in proportion to their respective benefit as determined by said jury. The sum so assessed shall become a lien upon the premises assessed, and shall be collected therefrom as a special assessment, in the same manner as other special assessments for improvements are collected: *provided*, that should said jury find that said petitioners were not entitled to any division of the

xpense so assessed upon their lots or parcels of land, hen the expense of all proceedings under this section hall be paid by said petitioners, and the common ouncil may require a bond for the payment of the ame on the filing of the petition: *provided, also*, that he petition of no owner feeling himself aggrieved shall e received, unless the same shall be presented within wenty days after the publication of the notice requiring the same to be done: *and provided further*, that when it shall appear to the council that any such lands belong to non-residents, infants, or persons laboring under legal disability, who shall not be represented by any agent or guardian, or not be benefited by the making of streets in front of such lots or lands to the amount of the costs and expenses thereof, it shall then be the duty of said council to cause to be summoned a jury, as herein provided.

WHO TO SUPERVISE WORK.

Who to supervise work.

SECTION 13. All work provided for in this chapter shall be done under the supervision of the mayor, superintendent of streets and city surveyor, and shall be approved by them before it shall be accepted by the council.

WHEN WORK APPROVED, CONTRACTOR ENTITLED TO CERTIFICATE.

Street commissioner to issue certificates.

SECTION 14. Whenever any work has been done under contract, as provided in this act, and the work shall have been approved by the mayor, street superintendent and city surveyor, such contractor shall be entitled to a certificate therefor, stating the amount of work done by such contractor and the nature thereof, and the description of the lot or parcel of land, upon which the same was chargeable, which said certificate may be transferred by indorsement thereon; and if the amount is not paid before the time of making out the annual assessment roll, the same may be filed with the city clerk, and the common council shall order the same assessed upon the said lots of land respectively as a special tax, and to be collected therefrom for the benefit of the holder of said certificate, as other taxes on real estate are collected by virtue of the laws of this state, except that personal property shall not be seized or sold for the payment thereof, and if the notice to do the work required shall have been given as herein prescribed, no informality or error in the proceedings shall invalidate or vitiate such assessment: *provided*, that in no event where work is ordered to be done at

the expense of any lot or parcel of land shall the city be held responsible for, or on account thereof, or for any proceedings for the collection or the pay therefor.

CHAPTER VII.

WHO CONTROL FUNDS.

Council to control funds.

SECTION 1. All funds in the city treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the certificate of the mayor, countersigned by the clerk, duly authorized by a vote of the common council, and in no other manner; and all certificates drawn upon the treasury shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city.

DEBT — HOW CONTRACTED.

Contracting debts.

SECTION 2. The common council shall have no power or authority, and it is hereby prohibited from borrowing any money or from authorizing any city officer to borrow money for the use of the city, nor shall it have power or authority to contract or create any debt for any purpose whatever, unless there is money in the city treasury for the payment of the same, except for such work on the streets as shall be paid for by special tax or assessment on the property benefited thereby; nor shall any certificate of indebtedness be drawn upon the city treasury, unless the same shall be authorized by a majority of all the members of the common council, and the vote authorizing the same shall be entered by ayes and noes upon the journal of the council, and no money shall be appropriated for any purpose whatever, except such as is expressly authorized by this act.

PENALTIES, ETC., PAID INTO GENERAL FUND.

Penalties paid into the general fund.

SECTION 3. All forfeitures and penalties accruing to the city for a violation of this act, or any of the ordinances, by-laws, rules and regulations of the city, and all moneys received for licenses, shall be paid into the city treasury, and become part of the general fund, except as otherwise provided by this act.

PROPERTY SUBJECT TO TAXATION.

Property subject to taxation.

SECTION 4. All property, real or personal, within the city, except such as may be exempt by the laws of the state, shall be subject to annual taxation for the support of the city government and the payment of debts and liabilities, and the same shall be in the manner hereinafter provided.

under this act shall have and possess the same powers that are or may hereafter be conferred upon township assessors, except so far as they may be altered by this act: *provided, however,* that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or perfecting such rolls as it may from time to time deem advisable.

HOW FUNDS APPLIED.

Application of funds.

SECTION 5. All funds coming into the city treasury shall be appropriated and used exclusively for the purposes for which said funds were raised, and for no other purpose whatever, and any conversion or appropriation of any of the funds of the city to persons, or for purposes not authorized by the city charter, by the common council, shall be deemed a misdemeanor on the part of each and every member of the common council voting for the same, and each and every member thereof so voting may be prosecuted and punished as provided in section twelve of chapter eleven of the city charter for similar offenses. It shall not be lawful for the city treasurer to pay out any funds in his hands that were raised for any particular or specified purpose, on appropriations or orders made by the common council, for any other purpose than that for which such funds were raised; and any violation of this act shall be deemed a misdemeanor, and, upon conviction thereof, such treasurer shall be fined in a sum not less than ten nor more than one hundred dollars and costs of suit, and shall also be liable on his official bond for the repayment of all such sums of money; and the city or any person or persons having claims against the fund so misapplied may sue for and recover the same.

FISCAL YEAR — TAXATION FOR GENERAL PURPOSES.

Taxation for general purposes.

SECTION 6. The fiscal year of the city of Madison, shall commence on the first day of September, on which day or as soon thereafter as the certificate of the county clerk, stating the amount of state and county taxes apportioned to the city of Madison, shall be received, the city clerk shall notify the mayor, who shall call a special meeting of the council as soon as practicable, at which meeting [illegible] in five days thereafter, the coun- [illegible] shall [illegible] what amount of money, [illegible] the city not derived [illegible] fiscal year, will be [illegible] that year; and [illegible] ution, levy a tax

which, together with the tax required to be levied for state, county and county school purposes, and for delinquent taxes of the preceding year, shall not exceed in amount one and seven-tenths per cent. of the assessed value of the real and personal property of the city for that year. Of the amount so levied, a sum equal to three-tenths of one per cent. of the assessed valuation of the real and personal property of the city shall be set apart and used for the payment of interest and principal on the bonded debt of the city, so long as any such debt shall remain unpaid; and a further sum, equal to four-tenths of one per cent. of the assessed valuation of the real and personal property of the city, or such less sum as the board of education may, by resolution, determine to be sufficient, shall be set apart and used for the payment of the current and contingent expenses of the city schools, and for no other purpose whatever. And such sum as shall be included in the estimates made in pursuance of this section for Forest Hill cemetery, shall be set apart and used for the payment of the expenses of maintenance of said cemetery and for no other purpose. And the remainder of the tax levied under the provisions of this section shall constitute the general fund of the city. All resolutions for the purpose of levying taxes shall require for their passage an affirmative vote of two-thirds of all members of the common council.

TAXES TO BE A LIEN UPON PROPERTY.

Taxes to be a lien upon property.

SECTION 7. All taxes or assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, and upon all personal property of any person or body politic, assessed for personal taxes, from the date of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal property shall affect such lien. Any personal property belonging to the person taxed may be taken and sold for the payment of taxes upon personal property.

ASSESSMENT ROLL TO BE TRANSMITTED TO CLERK OF BOARD.

Assessment roll to be transmitted to clerk of town board.

SECTION 8. Before the annual meeting of the board of supervisors of the county of Dane, and by the time required by the laws of the state for the return of assessments from the several towns, the city clerk shall transmit a copy of the assessment roll to the county clerk of said county, who shall lay the same before said board at its annual meeting.

EQUALIZATION.

SECTION 9. The board of supervisors shall have the right to regard the city of Madison as a town in equalizing the assessment rolls of the several towns in said county, as provided by law, but in such equalization, shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards. Equalization.

HOW BOARD OF SUPERVISORS PROCEEDS.

SECTION 10. The board of supervisors may levy a tax or taxes, as now is or may hereafter be provided by law in relation to towns, but shall proceed therein without regard to the division of the city into wards, and shall cause the amount of taxes so levied to be certified to the city or city clerk, in the manner provided by law in relation to towns or town clerks; and in all transactions of the board of supervisors of said county, said city shall be regarded as a town, except as herein otherwise provided. How board shall proceed.

ASSESSMENT ROLL.

SECTION 11. Upon receiving the statement of the amount of taxes so levied, the city clerk shall make out upon the assessment roll, in a column left for that purpose, or upon a copy thereof, a complete statement of the several amounts of taxes levied for the state, county, city or other purposes, and all delinquent taxes, if any, of previous years, and all special taxes levied by the common council since the making out of the last annual tax list, in such separate columns as may be necessary, with the total footing carried out opposite each tract or lot of land or person named therein; which statement shall be preserved by said clerk as a record in his office, and shall have the same legal force and effect as the records of the common council. The said city clerk may calculate the state, county, school and city taxes together, and carry the amount thereof into one column; but in such case he shall specify the per centum upon one dollar of valuation of state tax, county tax, school tax and city tax, separately, in his warrant to the treasurer for the collection of such taxes. Of assessment roll.

TAX LIST TO BE EVIDENCE OF REGULARITY.

SECTION 12. The tax list made out and preserved aforesaid shall be prima facie evidence in every court of record of this state, that every act or thing required by law to be done, relating to assessing or Tax list to be evidence.

levying taxes, from the election of the officers to the completion of the tax list inclusive, has been done regularly, correctly, and as required by law.

DUPLICATE COPY FOR TREASURER.

Duplicate copy for treasurer.

SECTION 13. Immediately after making out the tax list aforesaid, the clerk shall make out a duplicate copy thereof, to which shall be appended a warrant signed by the mayor and clerk, and sealed with the corporate seal of said city, directed to the treasurer, requiring and commanding him to collect the taxes and assessments specified in said duplicate copy of the tax list, in the manner provided by law; and the said clerk shall, on or before the second Monday of December of the said year, or as soon thereafter as practicable deliver the same to the city treasurer for collection, and make a record of said delivery on the tax list preserved in his office.

TREASURER TO COLLECT—HIS FEES.

Treasurer to collect.

SECTION 14. The city treasurer, upon the receipt of such duplicate copy of the tax list, shall proceed to collect the same in like manner, and shall have like powers, and be subject to like requirements, liabilities and restrictions, as town treasurers, except as otherwise provided in this act. The city treasurer shall charge and collect no fee whatever on any tax paid on or before the tenth day of January in each year, and upon all taxes paid after that day, he shall charge and collect two per cent. fees, to be added to the amount of taxes, and collected with the same; and all fees so collected by him shall be paid into the general fund of the city.

Fees.

WHEN SHALL MAKE DELINQUENT LIST.

Delinquent tax list.

SECTION 15. On or before the fifteenth day of February of each year, unless the time be extended as provided by law, the city treasurer shall make out and return to the treasurer of Dane county, a list of all lands, lots and personal property upon which taxes have not been paid, and shall add to said taxes remaining unpaid five per cent. upon all delinquent lands or lots so returned by the city treasurer to the treasurer of Dane county, and shall make return of said taxes with said five per cent. added, and shall also settle with and pay over all moneys properly payable to said county treasurer in like manner as now is or may hereafter be required of town treasurers; and all the provisions of the general laws of this state shall

extend to and may be enforced to collect any delinquent personal property tax, of whatever year, now due to said city.

WHO TO SELL DELINQUENT LANDS.

SECTION 16. The county treasurer shall sell all delinquent lands and lots returned from the city of Madison, at the same time and in the same manner as other delinquent lands are sold in said county. Delinquent lands to be sold.

NO PROPERTY EXEMPT FROM SPECIAL TAXES.

SECTION 17. All real estate exempt from taxation by the laws of this state, shall be subject to all special taxes for the building of sidewalks and improvement of streets in front of the same. No property exempt from special tax.

OF ERRORS.

SECTION 18. No error or informality in the proceedings of any of the officers in assessing property, levying or collecting taxes, or making return of unpaid taxes, not affecting the substantial justice of the tax itself, shall invalidate, or vitiate or anywise affect the validity of the assessment or tax: *provided*, that this section shall not be so construed as to dispense with the requisite two-thirds vote of all the members of the council in the levying a tax. Errors.

CERTIFICATES NOT RECEIVABLE FOR INDEBTEDNESS.

SECTION 19. The city treasurer shall not receive from the treasurer of the county of Dane, tax certificates in payment of any indebtedness which may become due from said county to said city. The city shall contract no debt, and the common council shall make no appropriation during any fiscal year for city purposes greater than the amount determined upon, as provided in the foregoing section five of this chapter, for such purpose, together with the amount of money which may at any time be in the city treasury, derived from other sources than taxation. Tax certificates receivable for indebtedness.

NO SCRIP OR OTHER EVIDENCE OF DEBT TO BE ISSUED.

SECTION 20. No scrip, certificate, treasury order, nor other evidence of debt shall hereafter be issued or authorized by the common council of the city of Madison; but whenever the common council shall lawfully appropriate money to any party, to be paid out of the city treasury, the mayor and city clerk shall certify the fact directly to the city treasurer, in the order in which such appropriations are made, specifying in said certificate also the purpose for which said appropriation was No evidence of debt to be issued.

made; and said treasurer shall pay the amounts so appropriated and certified, in the order in which they are so certified, out of any funds in his hands belonging to the city, taking proper receipts therefor and filing them in his office, and the city funds shall be paid out of the treasury in no other manner whatsoever.

MAY LEVY TAXES TO PAY JUDGMENTS.

Council may levy taxes.

SECTION 21. The common council shall have power, by a two-thirds vote of all the members thereof, to levy a tax or taxes to pay any or all judgments against the city.

TREASURER MAY BE REMOVED.

Treasurer may be removed.

SECTION 22. In case the city treasurer shall at any time refuse or neglect to perform his duties in enforcing the payment of taxes as provided by this act, and as authorized and required by the laws of this state, the common council shall forthwith remove such treasurer from office, and appoint a suitable person to fill the vacancy.

ACCOUNTS TO BE VERIFIED.

Accounts to be verified.

SECTION 23. All accounts or demands against the city, before the same shall be allowed, shall be verified by affidavit, except salaries and amounts previously fixed or determined by law; and any person who shall falsely swear to any such account or demand, shall be deemed guilty of perjury.

APPROPRIATIONS MUST BE AUTHORIZED BY COUNCIL—NO INTEREST ON ORDERS.

Appropriations to be authorized by council.

SECTION 24. No money shall be appropriated or drawn out of the city treasury, except in payment of accounts or demands allowed by the common council, and no interest shall be allowed or paid on any city order or certificate whatever: *provided, however*, that when the city, being duly authorized thereto, shall borrow money, certificates of appropriations therefor may be issued, payable at such time or times as the council may determine, and such certificates may be drawn to bear interest at a rate not exceeding ten per centum per annum, and when so drawn and signed by the mayor and clerk, interest shall be paid thereon as therein expressed.

Of interest o orders.

WHEN ACTION MAINTAINED.

When action maintained.

SECTION 25. No action shall be maintained by any person against the city of Madison upon any claim or demand until such person shall first have presented

his claim or demand to the common council for allowance.

DISALLOWANCE OF ACCOUNT TO BE FINAL.

SECTION 26. The determination of the common council disallowing in whole or in part any claim of any person shall be final and conclusive and a perpetual bar to any action in any court founded on such claim, except that such person may appeal to the circuit court, as provided in section twenty-eight of this chapter. Disallowance of claims.

SECTION 27. In case any person shall present his claim or demand to the common council, and the said council shall disallow the said claim in whole or in part, the said council shall not thereafter entertain such claim again, and such claimant, if he desires, may prosecute his said claim by appeal to the circuit court, and not otherwise.

CLAIMANT MAY APPEAL TO CIRCUIT COURT.

SECTION 28. When any claim of any person against the city shall be disallowed in whole or in part by the common council, such person may appeal from the decision of the council disallowing such claim to the circuit court of the county of Dane, by causing a written notice of such appeal to be served on the clerk of said city within twenty days after the making of such decision, and executing a bond to the said city with sufficient surety, to be approved by the said clerk, conditioned for the faithful prosecution of such appeal and the payment of all costs that shall be adjudged against the applicant by the court. The clerk, in case such appeal is taken, shall make a brief statement of the proceedings had in the case before the council, with its decision thereon, and shall transmit the same, together with the bond and all the papers in the case, to the clerk of the circuit court of Dane county. Claimant may appeal.

NOTICE OF APPEAL.

SECTION 29. The clerk, upon such appeal being taken, shall forthwith give notice thereof to the mayor, and shall also report the same to the council at its first meeting thereafter. Notice of appeal.

CHAPTER VIII.

FIRE DEPARTMENT — FIRE LIMITS.

SECTION 1. The common council, for the purpose of guarding against the calamity of fire shall have the power to prescribe the limits within which wooden Fire limits.

buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages.

MAY REGULATE BUILDING OF CHIMNEYS, ETC.

Construction of chimneys, etc.

SECTION 2. The common council shall have power to regulate the building, construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire, and to regulate and to prevent the carrying on of any manufactories dangerous in causing and promoting fires; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs and ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of a fire all idle and suspected persons, and to compel bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Fire buckets.

Preservation against fire.

MAY PURCHASE ENGINES AND AUTHORIZE FIRE COMPANIES.

Purchase of fire engines, etc.

SECTION 3. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of fifteen and fifty, and may elect its own officers and form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city, and shall be formed only by voluntary enlistment. Every member

Fire companies.

of each company hereby authorized to be formed shall be exempt from highway work, poll tax, from serving on juries, and from military duty, during the continuance of such membership.

ENGINEERS — FIRE WARDENS.

Engineers; fire wardens.

SECTION 4. The common council, at its regular meeting in March in each year, shall elect one chief engineer and two assistant engineers of the fire department, and one fire warden for each ward, who shall perform such duties as the common council shall prescribe, and who may at any time enter into or open any house, store-house or other building or inclosure, for the purpose of inspecting the same and with a view to guard against fire.

ARREST FOR DISOBEDIENCE OF ORDERS.

Arrest and penalty for disobedience of orders.

SECTION 5. When any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the chief of police, policeman, watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officer or any of them may arrest or direct the arrest and confinement of every person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding fifteen dollars.

MAY ORGANIZE SACK COMPANY — THEIR POWERS — SHALL TAKE OATH.

Sack company.

SECTION 6. The common council shall have power to organize a sack company, which shall be known as sack company number one, to consist of not more than twenty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Madison, and are hereby vested with all the power and authority which now is or may be hereafter vested in any police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed or endangered, and shall, so far as may be in

their power, preserve the same from injury or destruction. Said company may, from time to time, adopt such by laws and regulations as it may seem necessary, not inconsistent with this act and the laws of this state. The members of said company, shall not be entitled to any pay or compensation for services rendered in their official capacity. They shall, in case of riot or disturbance of the peace, have free access to all licensed places of amusement in this city, and shall perform such services as may be necessary for the peace and good order of the same. The members of said company shall severally take an oath or affirmation that they will faithfully perform the duties of their said office; and when any member of said company shall cease to be a member thereof, notice shall be given to the city clerk, who shall preserve a record of all the members of said company.

CHAPTER IX.

MUNICIPAL COURT — JURISDICTION.

Jurisdiction of municipal court

SECTION 1. In addition to the powers and jurisdiction heretofore conferred by law in criminal matters upon the municipal court, the said municipal court of Dane county, and the judge thereof, shall be vested with exclusive jurisdiction to hear, try and determine all complaints, and conduct all examinations in criminal cases instituted or arising within the city, and with exclusive jurisdiction to hear, try and determine all complaints or prosecutions for offenses against the charter or any of the by-laws or ordinances of the city of Madison, and with all criminal jurisdiction heretofore conferred by law upon the police court of the city of Madison or the municipal court of Dane county, and with exclusive jurisdiction to hear, try and determine all civil actions, to which the city shall be a party, and which would otherwise be cognizable before justices of peace, and no justice of the peace in said city shall exercise any jurisdiction conferred upon the municipal court by this act.

COMPENSATION OF JUDGE — EXPENSES OF HOLDING COURT, ETC.

Salary of judge

SECTION 2. The city of Madison shall quarter yearly, on the first day of August, November, February and May in each year, pay to the judge of said court the portion of his salary to be paid by said city as provided by chapter twenty-seven of the general laws of A. D. 1880, and shall provide the necessary record books, blanks, stationery, lights and fuel for

said court as provided in section two thousand five hundred and nineteen of the revised statutes, for one-half of which expense the said city shall be reimbursed by the county of Dane as is provided in section two thousand five hundred and twenty of the revised statutes.

Expenses of holding court, etc.

CHAPTER X.

COUPONS ON BONDS RECEIVABLE FOR TAXES.

Coupons on bonds to be received for taxes

SECTION 1. The interest coupons on any of the outstanding bonds of the city of Madison, shall be receivable for city taxes. And it is hereby made the duty of the city treasurer to deliver to the common council at its first regular meeting in the month of March in each year, all coupons received by him for taxes, and he thereupon shall be credited with the amount of coupons so as aforesaid received by him for taxes, and said coupons shall be cancelled in the presence of the common council, and deposited in the city clerk's office, and the common council shall at said meeting appropriate sufficient money from the portion of the tax raised for the payment of the interest and principal of the bonded indebtedness of the city, to pay all coupons falling due on the first day of April thereafter, and cause the same to be placed where said bonds and coupons are made payable, before the first day of April in each year; and if at the said meeting it shall be ascertained that sufficient money has not been collected from said tax to pay all the coupons maturing on the first day of April next thereafter, the common council shall appropriate sufficient to pay such deficiency from the general fund; and all money collected after such appropriation upon such special tax, shall be placed in the general fund belonging to said city, until the general fund is reimbursed for the amount so paid for interest.

CHAPTER XI.

MISCELLANEOUS PROVISIONS — PROPERTY AND RIGHTS OF VILLAGE MERGED IN CITY.

City to be owner of village rights and property.

SECTION 1. The city of Madison shall be and is hereby invested as the lawful owner and successor of all real and personal property, and all the rights and privileges belonging to the corporation of the village of Madison, together with all the funds, revenues, debts and demands due and owing to the said village of Madison, as a corporate body, which, by or under former acts, ordinances, grants, donations, gifts or purchases, have been acquired, vested, or in any manner

belonging to said corporation, and the same are hereby transferred to the corporate body created by this act, and all suits, judgments, rights, claims and demands against the said village or city of Madison, may be continued, prosecuted, defended and completed in the same manner as if this act had not passed.

BOARD OF EDUCATION—MODERN LANGUAGES.

Board of education.

SECTION 2. The common schools of the city of Madison shall be under the supervision and control of the board of education, as provided by chapter two hundred and ninety-five of the general laws of 1861, and the acts amendatory thereof: *provided*, that said board of education of said city is hereby authorized, if it deems it advisable, to direct one or more of the teachers in the common schools in said city to instruct such of their pupils as wish it, in one or more of the modern languages, besides the English, but in such a manner that none of said scholars shall devote more than one-fourth of their time in school to any other than English language and studies.

Modern languages.

ALL WORK TO BE LET TO LOWEST BIDDER.

All work to be let to lowest bidder.

SECTION 3. All work for the city or either ward thereof, shall be let by contract to the lowest reasonable responsible bidder, and due notice shall be given of the time and place of letting such contract: *provided*, that the council, by a vote of two-thirds of all the members thereof, may otherwise provide for work.

ACTIONS TO RECOVER PENALTIES.

Actions to recover penalties.

SECTION 4. All actions brought to recover any penalty or forfeiture under the ordinances, by-laws, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally for such penalty or forfeiture, stating the clause of this act, or by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. All prosecutions may be commenced by summons or by warrant, as the exigency of the case may require. In all cases where an action might be brought by the city of Madison against any person, company or corporation, such action may be commenced and prosecuted, in the name of the city, by any elector of said city: *provided*, that before any person, other than the proper officers of said city, shall prosecute any such action, the person or persons so commencing shall enter into bonds with sufficient surety to the opposite

party, to be approved by the judge or justice before whom such action shall be brought, conditioned that he or they will pay all costs that might be recovered against the city in such action. After the filing of such bond, with the papers in the case, such action shall not be discontinued or defeated by the city, nor shall the city be liable for any costs on account of any such action, but such costs, where the action shall fail, may be recovered against the party commencing the same, upon the bond filed as aforesaid: *provided*, that nothing herein contained shall be so construed as to prevent any peace officer from arresting, without process, any person in a state of intoxication, or guilty of immoderate drinking, improper revelling, obscenity, or noisy, boisterous or disorderly conduct in the streets or public places, and taking such person or persons forthwith before the municipal court, or keeping them in confinement until such time as said court can reasonably hear and dispose of such offender.

JUDGMENT TO BE ENTERED ON CONVICTION.

SECTION 5. In all cases of conviction in actions brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture for the violation of any city ordinance or regulation, the court shall render judgment against the defendant for the fine and costs of prosecution, and if the defendant shall refuse or neglect to pay such fine and costs, the court shall enter a judgment that the defendant be imprisoned in the county jail of Dane county for a term not exceeding three months, and shall forthwith commit the defendant for the term fixed by said judgment, and in all cases where the judgment shall be that the defendant shall be imprisoned in the county jail, the court may in its discretion enter a further judgment that the defendant pay the costs of prosecution, and that he be held in imprisonment in the said jail until such costs be paid, or he be otherwise discharged by due course of law. Of judgments.

NOT TO WORK INCOMPETENCY.

SECTION 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Not incompetent.

FAILURE OF ELECTION NOT TO SUSPEND CORPORATION.

SECTION 7. If any election by the people, or common council shall not for any cause be held at the time or in the manner herein prescribed, it shall not be con- Failure of election not to suspend corporation.

sidered reason for arresting, suspending or abolishing said corporation, but such election may be held on any subsequent day, by order of the mayor; and if any of the duties enjoined by this act, or the ordinances or by-laws of the city to be done by any officer, at any time specified, and the same are not done and performed, the common council may appoint another time, at which said acts may be done or performed.

HOW PROCESS SERVED AGAINST CITY.

Service of process against city.

SECTION 8. Whenever any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process with the mayor and city clerk, and it shall be the duty of the mayor forthwith to inform the common council thereof, or take such other proceedings as the ordinance and resolutions of said council may provide.

CITY MAY HOLD PROPERTY.

City may hold property.

SECTION 9. Said city may lease, purchase or hold real or personal property sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

GENERAL LAWS NOT TO MODIFY THIS ACT.

General laws not to modify this act.

SECTION 10. No general law contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose is expressly set forth in such law.

TRANSFER OF DUTIES.

Transfer of duties.

SECTION 11. From and after the second Monday of March, A. D. 1856, the connection between the town of Madison and that part of said town included within the city limits for all town purposes shall be dissolved. The duties now and hereafter imposed upon supervisors and other town officers, so far as they relate to the city of Madison, shall be performed by the aldermen of the wards and other officers of said city.

MISDEMEANORS OF CITY OFFICERS AND THEIR PUNISHMENT.

Punishment of misdemeanors of officers.

SECTION 12. Every member of the common council of the city of Madison, who shall directly or indirectly vote to himself, or knowingly to any other person, any sum of money for any other purpose whatever, in violation of the city charter or any amendment thereto, or shall ask or receive any compensation for doing any official act, except as inspector of elections,

member of the board of registry, and as member of the board of equalization; any member of the common council or other city officer who shall be directly or indirectly interested in any contract made with or in behalf of the city, and any member of said council, or other city officer, who shall directly or indirectly purchase, or be interested in the purchase of any city order or city indebtedness for less than the full amount thereof, shall be deemed guilty of a misdemeanor in office, and may be prosecuted either by indictment or complaint before the municipal court, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars nor less than twenty dollars, or by imprisonment in the county jail not more than thirty days nor less than ten days, or both, at the discretion of the court.

PAUPERS — HOW PROVIDED FOR.

To provide for paupers.

SECTION 13. The paupers of said city shall be removed to the poor house of the county of Dane by order of the mayor or aldermen, in like manner as they are removed from the several towns in said county: *provided*, that if, by reason of contagious or infectious disease, or for any other reason, such pauper cannot be so removed to the county poor house without danger to the public health or the health of such pauper, the city of Madison shall care for such pauper until such time as he may be so removed, and the expense of such care so incurred shall be chargeable to and paid from the poor fund of Dane county.

LICENSES — HOW ISSUED.

How licenses issued.

SECTION 14. Every license issued by the authority of this act, or the ordinances of the city, shall be signed by the mayor and city clerk, and sealed with the corporate seal, but no such license shall be issued by said mayor and clerk, until the person applying for the same shall have deposited with said clerk the receipt of the city treasurer for the amount required to be paid therefor; nor shall any license be issued for dealing in, selling or vending spirituous, vinous or malt liquors, until the applicant shall have filed his receipt as aforesaid, together with a bond, as required by the laws of this state, which bond shall be approved by the mayor, and a sum not less than the minimum sum nor greater than the maximum sum fixed by the laws of this state to be paid by such license, shall be paid to the city treasurer in money. It shall be the duty of the mayor and city clerk to report to the council at each regular

meeting thereof, the license theretofore issued by them and not before reported, and the council shall by vote approve or disapprove of the same. If the council disapprove thereof, it shall be the duty of the city clerk forthwith to notify the person holding such license that the same has been revoked by action of the common council, and such license shall thereafter be void, and the council shall refund the license money paid therefor, except a fair proportion thereof for the time said license was in force.

DUTIES OF TREASURER IN RELATION TO DELINQUENT LANDS.

Redemption of lands sold for non-payment of taxes.

SECTION 15. The treasurer of the city of Madison shall perform all the duties and do all the acts required by law to be done by the treasurer of the village of Madison, in relation to the redemption and deeding of lands heretofore sold for the nonpayment of taxes in said village, and every certificate of redemption or tax deed made out and executed by the said city treasurer, shall have the same force and legal effect as if this act had not been passed and such certificate or deed had been made out and executed by said village treasurer. And the treasurer of the city of Madison is hereby authorized in making any deed for lots or lands, heretofore sold by the treasurer of the village of Madison, for the nonpayment of taxes in said village, to make the same in the name of the city of Madison; and every deed so made and executed by the city treasurer shall be received in all courts of this state as *prima facie* evidence that all the proceedings relating to or affecting the tax for which such lots or lands were sold, from the assessment to the making of such deed inclusive, were regular, correct, and performed according to law; and no other act shall be required of said city treasurer in relation to lots so sold, except the making and acknowledging such deed as aforesaid, except issuing certificates of redemption from such lots as may be redeemed.

WHERE OFFENDERS TO BE IMPRISONED.

Offenders to be imprisoned in the jail of Dane county.

SECTION 16. The use of the jail of Dane county, until otherwise provided, shall be granted to said city for the confinement of offenders, and every such offender shall be delivered to the sheriff of said county, for whose custody, safe keeping and delivery, the said sheriff shall be responsible as in other cases; but said county shall not incur or pay any liability or expense on account of any person committed to said jail for a violation of any ordinance, by-law, rule or regulation

of said city, but such expenses shall be paid by the city.

PRIVATE PROPERTY NOT TO BE TAKEN FOR CITY DEBT.

SECTION 17. No real or personal property of any inhabitant of said city or town, or individual or corporation, shall be levied upon or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city. Private property not liable for city debt.

HOW EXECUTION AGAINST CITY TO BE ISSUED.

SECTION 18. When a judgment shall be recovered against said city or any ward thereof, or against an officer of said city in any action prosecuted by or against him, in his name of office, where the same should be paid by the city or any ward thereof, no execution shall be issued or awarded upon such judgment, except as hereinafter provided; but the same, unless reversed, shall be levied and collected as other city or ward charges, and when so collected, shall be paid by the city treasurer to the person to whom the same shall be adjudged, upon the delivery of a proper voucher therefor; but if payment thereof be not made within sixty days after the city treasurer is required to make his return of city or ward taxes, next after the rendition of such judgment, execution may be issued thereon, upon the order of the court authorized to issue such execution, on special application therefor. Executions against city.

NOT TO ISSUE CITY BONDS.

SECTION 19. The common council of the city of Madison shall have no power hereafter to issue, sell or dispose of any city bonds of said city whatever. No city bonds to be issued.

APPLICATION OF THIS ACT TO CITY OFFICERS, ETC.

SECTION 20. No member of the common council shall be elected or appointed to any office, agency or place of public trust or profit by the council, except as provided by this act; neither shall the common council sell or authorize the sale of any city order or certificate of indebtedness for the purpose of raising money for the payment of any debt for less than the amount expressed upon the face thereof. Application of this act.

OF PARDON — OF FINES.

SECTION 21. The mayor shall have power to grant pardons or commutations, after conviction, for all offenses against the ordinances of the city, upon such conditions as he may deem proper; he shall communicate any such action to the council at its next meeting, Pardons.

Fines.

with the reasons therefor. All fines imposed by the municipal court of Dane county, for violation of this act, or ordinances, by-laws or regulations, made in pursuance thereof, shall be paid by the officer collecting the same into the city treasury, and a separate account made thereof; and in the months of March and September, in each year, the city clerk shall report to the council the amount so received during the preceding six months, and also the expenses attending such prosecutions in the city during the same period.

REMOVAL FROM OFFICE.

Removals.

SECTION 22. The common council shall have power, and it shall be its duty, to remove from office any policeman for incompetency, misconduct, or neglect in the discharge of his official duties, or for refusing or neglecting to perform such acts as are required of him by law.

PUNISHMENT FOR DRUNKENNESS, ETC.

Punishment for drunkenness.

SECTION 23. Any person who shall be guilty of drunkenness, or of immoderate drinking, improper reveling, obscenity, or noisy, boisterous and disorderly conduct in the streets or public places of the city of Madison, shall be deemed guilty of a misdemeanor, and on conviction thereof before the municipal court of Dane county, shall be punished by a fine of not less than one nor more than one hundred dollars, or by imprisonment in the county jail of Dane county for a term of not less than two days nor more than three months.

OF COMPLAINTS FOR OFFENCES.

Of complaints.

SECTION 24. Whenever any complaint is made to the municipal court of Dane county by any police officer, sheriff, policeman or other person, that any offense has been committed within the said city, against the provisions of the charter of said city, or of the by-laws or ordinances passed in pursuance thereof, whether such offense is made punishable under such charter or ordinances by fine, penalty, or imprisonment, the said municipal judge, or the clerk of said municipal court, shall examine the complainant on oath, and reduce the complaint to writing, and cause the same to be subscribed by the complainant; and if it shall appear that any such offense has been committed, the said police justice shall issue his warrant, reciting the substance of the complaint, requiring the officer forthwith to arrest the accused and bring him before such municipal court to be dealt with according to law

All the laws of this state relating to the manner of conducting criminal actions before justices' courts, shall be applicable to all trials before the municipal court under this act, so far as the same do not conflict with the provisions of this act.

BOARD OF EDUCATION.

SECTION 25. The mayor shall ex officio be a member of the board of education of the city of Madison, and as such shall have the same rights and privileges as other members of said board of education. The board of education shall annually, on the first day of September, and oftener if required, report in writing to the common council a full and detailed statement of the financial affairs and transactions of the board, for the year preceding, and of its wants and requirements for the ensuing year. The common council shall have power to levy a special tax to pay all outstanding valid claims against the board of education or such part thereof as it may deem proper, and the money arising from such tax shall be applied to no other purpose whatever. Money shall be paid from the treasury of the board, on future appropriations only on certificate of its president and clerk, and no order on the treasury, nor other evidence of debt, shall hereafter be issued upon the allowance of claims. Duties of the board of education.

OF SALARIES.

SECTION 26. No compensation or salary shall be paid the mayor or any alderman of said city, except as provided in section twelve of this chapter. Salaries.

OF LICENSES.

SECTION 27. No assignee of any license shall be permitted to pursue the occupation or business licensed, except upon the same premises where the business was conducted by the original holder of said license. Licenses.

REPEALED.

SECTION 28. An act entitled "an act to consolidate and amend an act to incorporate the city of Madison, and the several acts amendatory thereof," approved March 6, 1868, being chapter five hundred of the private and local laws of A. D. 1868, and the several acts amendatory thereof, and all acts relating to the corporation of the city of Madison, not retained in this act, are hereby repealed. Repealed.

PUBLIC ACT.

SECTION 29. This act is hereby declared a public act, and shall be liberally construed in all courts of this state. Public act.

SECTION 30. This act shall take effect and be in force from and after its passage and publication.

Approved March 16, 1880.

[No. 184, A.] [Published March 31, 1880.]

CHAPTER 323.

AN ACT to revise, consolidate and amend the city charter of the city of Wausau.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

TITLE I.

CITY AND WARD BOUNDARIES.

City boundaries.

SECTION 1. All that district of country included in the north half of section one, in township number twenty-eight north, of range seven east, and sections number twenty-five, twenty-six, thirty-five, thirty-six and that portion of sections number twenty-three and twenty-four, situated east of the Wisconsin river, all in township number twenty-nine north, of range seven east, of the fourth principal meridian, in the county of Marathon, and state of Wisconsin, shall be known and designated as the city of Wausau.

Ward boundaries.

SECTION 2. The said city of Wausau shall be and is hereby divided into five wards, as follows, to-wit: All that territory within said city lying west of Main street, and west of the northern extension thereof, known as the Wausau and Jenny road, and west of the east bank of the Wisconsin river, shall constitute the first ward. All that territory within said city lying east of Main street, and between Washington and Forest streets, and between lines extending easterly, drawn parallel with said Washington and Forest streets, and extending the same to the east line of said city, shall constitute the second ward. All that territory within said city lying east of Main street, and between Washington and McClellan streets, and between lines extending easterly, drawn parallel with said Washington and McClellan streets, and extending the same to the east line of said city, shall constitute the third ward. All that territory within said city lying east of Main street, and east of the east bank of the Wisconsin river, and south of Forest street, and south of a line extending easterly, drawn parallel with said Forest street, and extending the same to the east line of said city, shall constitute the fourth ward. And all that territory within said city lying east of Main street, and

east of the northern extension thereof, known as the Wausau and Jenny road, and north of McClellan street, and north of a line extending easterly, drawn parallel with said McClellan street, and extending the same to the east line of said city, shall constitute the fifth ward: *provided*, that the common council shall have the power to change, alter and define the boundaries of the wards in said city, by ordinance, as it shall from time to time deemed expedient.

TITLE II.

CORPORATE NAME AND POWERS.

SECTION 3. The inhabitants residing in said city shall be a municipal corporation, under the name and style of the city of Wausau, and shall be so known and designated in all courts and places, and said city shall have and possess all the general powers and privileges had and possessed by municipal corporations at common law, and in addition thereto shall have and possess the powers and privileges hereinafter set fourth and granted by this act, and said city may acquire, hold, possess and enjoy, convey or dispose of, personal and real property, and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, in any or all courts of law or equity, and to do and perform all acts in its corporate capacity necessary for its maintenance in its general or special powers and privileges, and may have a common seal and alter and change the same at pleasure. Corporate name

SECTION 4. The corporate authority of said city shall be vested in one chief officer styled the mayor, one board of aldermen, consisting of two aldermen and one supervisor from each ward, who with the mayor shall constitute the common council, and shall be so known and designated, together with such other officers as are mentioned and created by this act. Corporate authority.

TITLE III.

CITY AND WARD OFFICERS AND THEIR ELECTION.

SECTION 5. The annual election for city and ward officers shall be held on the first Tuesday in April in each year, at such place in each ward as the supervisor and aldermen thereof shall designate, and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, and ten days previous notice of such election shall be given by the city clerk, stating the places of voting, and the city and Elections.

ward officers to be elected, by posting such notices in at least three public places in each ward, and by publication thereof at least once in a weekly newspaper published at said city of Wausau.

Elective officers.

SECTION 6. The elective officers of said city shall be a mayor, a city clerk, a treasurer, an assessor, a marshal, a street commissioner who shall also be the sealer of weights and measures, and two justices of the peace, to be elected by the city at large; and in each ward one supervisor, who shall be a member of the common council of said city, and shall also represent his ward in the board of supervisors of Marathon county, and be a member thereof; and two aldermen, who shall be members of the common council of said city; and one constable. *Provided*, that in case of the absence or inability from any cause such supervisor shall be unable to attend any meeting of the county board, either of the aldermen of such ward, to be designated by themselves, (and if they shall disagree, they shall decide the same by lot) shall attend such meeting and act as member of such county board. Each of said officers shall be qualified voters of said city, and the mayor and the supervisors and aldermen shall also be freeholders as well as voters in the ward from which they shall be elected.

Terms of offices.

SECTION 7. All elective officers, except justices of the peace, shall hold their respective offices for one year, or until their successors are elected and qualified: *provided, however*, the common council shall have power for any cause to expel and remove from office any of its own number, except the mayor, due notice having first been given to such person. The term of all the officers of the city as mentioned, shall commence on the second Tuesday of April next after said election.

Election of justices of the peace.

SECTION 8. At the next ensuing election there shall be chosen one justice of the peace to hold his office for the term of one year, and one justice of the peace to hold his office for the term of two years, and at every ensuing annual election there shall be chosen one justice of the peace for the term of two years. The term of office of the justices of the peace to be elected under this act shall commence on the first Monday of May next ensuing their election. Every justice so elected shall file the oath and bond necessary to qualify, before entering upon the duties of his office as prescribed in the statutes at large for the justices of the peace, and the city clerk shall certify to the clerk of the circuit court immediately after the election, the

names of the persons elected justices of the peace, and the terms for which they were respectively elected.

SECTION 9. The term of office of each justice of the peace now in said city, shall expire and be fully determined on the first Monday of May, 1880, and they and each of them shall at once transmit to the nearest justice elected under this act all the books and papers relating to his office. Terms of present justices to expire on first Monday in May, 1880.

SECTION 10. The inspectors of all elections in said city shall be chosen in the same manner and be the same as the general laws of the state require; and every inhabitant qualified by law to vote at a general election, shall be entitled to vote in the ward in which he resides, and shall have resided for ten days previous to said election, for all officers to be elected by virtue of this act. Any person may be challenged in the same manner, and the same proceedings held thereon, as are or shall be prescribed by law in relation to a general election, so far as the same shall be applicable to a charter election: *provided*, that the registry law shall not be taken to apply to an election under this act. How inspectors to be chosen.

SECTION 11. Whenever a vacancy shall occur in any elective office, such vacancy may be filled by a special election, which shall be called by the common council; all other vacancies may be filled by appointment of the common council, and the common council shall have power to remove, by a two-thirds vote, any appointees of its own. How vacancies to be filled.

SECTION 12. All elections by the people shall be by ballot, and a plurality of votes cast shall constitute an election. When two or more candidates for the same office shall receive an equal number of votes for such office, the election shall be determined by the casting of lots by the common council at its next meeting after such election in such manner as it shall direct. Elections by ballot.

SECTION 13. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such return to the city clerk, within three days after any such election. The common council shall, on the fourth day after such election, meet and canvass said returns, and declare the result as it appears from the same, and the city clerk shall forthwith give notice to each person elected of his respective election. Canvass of votes.

Special elections.

SECTION 14. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

What constitutes vacancy.

SECTION 15. Any officer removing from the city, or any ward officer removing from the ward for which he is elected, or any officer who shall neglect or refuse, for ten days, after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill such vacancy as herein provided.

TITLE IV.

OFFICERS, THEIR POWERS AND DUTIES.

Powers and duties of officers.

SECTION 16. Every person elected under the provisions of this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officers taking the same, together with their official bond, with the clerk of the city; and the treasurer, clerk, marshal, street commissioner, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Wausau a bond, with at least two sureties, who shall swear that they are worth in the aggregate the penalty specified in said bond, over and above all debts, exemptions or liabilities and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and it may from time to time require new additional bonds, and remove from office any officer refusing or neglecting to give the same.

Mayor.

SECTION 17. The mayor shall, when present, preside over the meetings of the common council, and take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other officers of the city discharge their respective duties. He shall from time to time, give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer, and head of the police of the city, and in case of a riot or other disturbance, or apparent necessity, he may appoint as many special or temporary policemen as he may deem necessary. The mayor shall have a vote only in case of a tie. The mayor shall have power to veto any

Mayor may veto

ordinance or resolution passed by the common council, by notifying the common council of his objections thereto, at any time within seven days after the passage of such ordinance or resolution. In case of no session of the common council on any day after the passage of the same, and before the expiration of the said seven days, such notification shall be made by filing with the city clerk a copy of his objections; and in case the council shall not, at the next ensuing regular meeting, re-enact such ordinance or pass such resolution, by the vote of two-thirds of the aldermen elect, the same shall be null and void. No ordinance or resolution shall take effect until one week after its passage, unless sooner signed by the mayor and approved by him. He shall possess all the powers and authority conferred upon mayors of cities by any general statute of the state. The mayor shall, at the first regular meeting of the common council in each year, make out and announce the standing committees of the year on the following subjects, who shall consist of three members each, except the committee on streets and sidewalks, shall consist of five members, and one from each ward:

Mayor to make and announce standing committees.

1st. On streets and sidewalks. On streets, etc.

2d. On finances and taxation. On finances, etc

3d. On licenses. On ordinances.

4th. On ordinances. On licenses.

5th. On fire department and jail. On jail, etc.

Which shall be entered in the proceedings of said council.

SECTION 18. At the first meeting of the common council in each year after the charter election, it shall proceed to elect, and elect by ballot, one of its members president; and in the absence of the mayor, the president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability for any reason, or in case of vacancy of the office, to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the mayor and president shall be absent at any meeting of the common council, it shall proceed to elect a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. The president or temporary presiding officer, while performing the duties of mayor, shall be styled acting mayor, and all acts performed by either in such case or cases, shall have the same force and validity as if performed by the mayor.

Council to elect president

Powers and duties of president.

Duties of city clerk.

SECTION 19. The city clerk shall attend the regular and special meetings of the common council, and keep a record of its proceedings, and shall have the custody of the corporate seal, and shall keep all papers that by any provision of law, or by the direction of the common council, are required to be kept in his office or filed by him; and copies, printed or written, or partly printed and partly written, of all papers filed in his office, and transcripts from the records of the proceedings of the common council, and copies of the ordinances, by-laws, resolutions and regulations of the city, shall be evidence in all courts and in all places, in like manner as if the originals were produced and proved. He shall see that all ordinances, orders, resolutions, notices and other matters requiring publication are promptly and correctly published in such paper as the council may have directed, and that the proof thereof be made and recorded. He shall record all papers and proceedings required by any of the provisions of this act to be recorded in his office. He shall attest all orders drawn upon the treasury, and keep a full and accurate account of the same, and of the fund to which chargeable. He shall have power to administer oaths and affirmations, and take the acknowledgments of deeds or other instruments, and certify the same. He shall serve or cause to be served all notices required to be given under this act, except when otherwise especially provided; he shall countersign all licenses granted by the common council, and enter in an appropriate book the name of every person to whom a license shall be granted, the date thereof, the time during which it shall be in force, and the sum paid therefor; he shall perform such other duties, not here enumerated, as may be required of him in his said capacity by the common council, or by the general laws of the state of Wisconsin, in relation to the assessment and collection of taxes in said city. In case of sickness, absence, or disability of said city clerk to act, the common council may supply the vacancy by an appointment *pro tempore;* in which case, such appointee shall have all the powers, and discharge all the duties of city clerk.

Justices of the peace.

SECTION 20. The justices of the peace elected under this act shall have the same jurisdiction and perform all the duties of justice of the peace, and shall qualify in the same manner as provided by the general laws of this state, except that their official bonds shall be approved by the mayor, and may hold their offices

and courts in any part of the city. All constables elected by virtue of this act shall have and exercise the same powers and duties, and be subject to the same liabilities as constables of towns.

Duties of city treasurer.

SECTION 21. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him by the ordinances of said city, or the laws of this state. All moneys raised, received, recovered or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, under the authority of this act, or which may belong to the said city, shall be paid into the city treasury, and shall not be drawn therefrom except by an order issued by order of the common council and signed by the mayor and countersigned or attested by the clerk, except school moneys, which shall be drawn as herein otherwise provided. He shall keep an accurate account of all moneys or other things coming into his hands as treasurer, and shall keep each fund separate in a book to be provided for that purpose, which shall remain the property of the city, wherein he shall note the time when, and the person from whom the amount of the several sums was received, and which book shall, at all reasonable times, be open to the inspection of any person. He shall, every three months, and as often as the common council require, render to such council a minute account of the receipts and expenditures of his office, and at the expiration of his office he shall hand over to his successor all moneys, books, papers and property in his possession belonging to said city. The said treasurer shall also be a collector of taxes, and for his services receive the same compensation except as herein otherwise provided, and he shall have the same powers and be subject to the same liabilities, and be governed by the same laws as treasurers of towns: *provided*, that he shall receive no other fees except the compensation hereinafter provided.

Duties of marshal.

SECTION 22. The marshal shall attend all the meetings of the common council, and shall perform such duties as shall be prescribed by the common council for the preservation of the public peace, and collection of license moneys and fines. He shall possess all the powers of constables of towns, and be subject to the same liabilities. It shall be his duty to execute and return all writs and processes to him directed, and when necessary in criminal cases, or for the violation of any ordinance of said city, or law of this state, may pursue and serve the same in any part of this state.

It shall be his duty to suppress all riots, disturbances, and breaches of the peace, and to remove all obstructions in the streets and alleys of said city, and to abate all nuisances in said city; to apprehend any person in the act of committing any offense against any ordinance of said city or laws of this state, and within reasonable time, bring such person before competent authority for examination; and for such services, he shall receive such fees as are allowed to constables for like services. He shall have power to appoint one or more deputies, to be approved by the city council, but for whose official acts he shall be responsible, and of whom he may require bonds for the faithful discharge of their duties.

Powers of common council.

SECTION 23. The common council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them. Such compensation shall be fixed by resolution at the time the office is created, or at the first regular meeting in the month of March, and shall not be increased or diminished during the term such officer shall remain in office, or for which he is elected or appointed.

Official publications.

SECTION 24. The common council, at its first meeting in each year, or as soon thereafter as may be, shall designate one or more newspapers printed in said city, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the common council to be published in a public newspaper.

City printer.

SECTION 25. The city printer or printers, immediately after the publication of any notice, or ordinance, or resolution, or by-law, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, by-law or resolution, and the clerk shall file the same in his office.

Penalty for refusal to deliver books, papers, etc.

SECTION 26. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects belonging to said city, or pertaining to the office he may have held, he shall for-

feit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

City officers not to be interested in contracts.

SECTION 27. No city officer shall be a party to, or interested in any job or contract with the city or any of its wards; and any contract in which any city officer may be so interested shall be null and void; and in case any money shall have been paid on any such contract, the common council may sue for and recover the amount so paid, from the parties to such contract and the city officer interested in the same.

Officers of the peace.

SECTION 28. The mayor or acting mayor, sheriff of Marathon county, and each and every alderman, supervisor, municipal judge, justice of the peace, marshal, under sheriff and deputy sheriff of Marathon county, constable, policemen and watchmen, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and, if need be, of all citizens. And if any person, bystander or private citizen shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty dollars; and in case when the civil power may be required to suppress riots or disorderly behavior, the supervisor or senior officer present in the order mentioned in this section shall direct the proceedings.

Officers elected by common council.

SECTION 29. There may be elected by the common council, a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place within said city, and the common council shall prescribe his duties and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the common council.

City assessor.

SECTION 30. The city assessor shall assess the real and personal property of said city at the time and in the manner provided for assessing towns; and his compensation therefor shall be the same as provided by

law for the compensation of town assessors, unless a different compensation shall be determined upon by the common council.

City attorney.

SECTION 31. The common council shall, at its annual meeting in each year, elect a city attorney, who shall hold his office for one year, and perform such duties as may be required of him by the common council, by resolution or by-law. The city attorney shall receive such pay for his services as may be agreed upon.

Duty of street commissioner.

SECTION 32. It shall be the duty of the street commissioner, within thirty days after his election and qualification, to inspect all the streets in the city, and all sidewalks, crosswalks, ditches, gutters, sewers, culverts, bridges, and all things and matters appertaining to the streets, and report in writing to the common council, recommending in his opinion what is necessary and ought to be done thereto, in separate items, and shall make and keep a duplicate of his report. On receipt of said report, the common council shall consider the same, adopt the whole or any part thereof, add to, amend, strike out or change any item, as it may deem best, and as soon as acted upon in full, the city clerk shall certify to said commissioner the action of said council therein.

Collection of highway taxes

SECTION 33. As soon as said commissioner shall have received the highway tax list, he shall proceed as provided by sections seventy-seven to eighty-three, inclusive, of this act, to collect all the taxes on his list and apply the same in repairing, grading or improving the streets in the city, in accordance with his report as modified by said common council, under a strict supervision of the street committee, who may also modify the work to be done from time to time, as the condition of the streets or other necessities may seem to require, until said council shall otherwise determine what shall be done; and shall receive such compensation for his services as the common council shall determine.

Street commissioner may appoint deputy.

SECTION 34. The street commissioner may, for the purpose of complying with the provisions of this act, with the consent and approval of the common council, appoint a deputy in each of the wards of said city, and for whose action he shall be responsible. But said street commissioner shall not contract for or create any greater expense in any one year than can be paid out of the highway tax list in his hands for collection, unless it be specially and duly ordered by said council,

or in case of a street becoming impassable, when the street committee shall direct what shall be done.

SECTION 35. The street commissioner shall also be the sealer of weights and measures for said city, and shall be governed by the general laws of the state appertaining to sealer of weights and measures, and as the common council of said city shall from time to time order and determine.

Street commissioner to be sealer of weights and measures.

TITLE V.

POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 36. The mayor, aldermen and supervisors shall constitute the common council, and the style of all ordinances shall be, "The mayor and common council of the city of Wausau do ordain," etc. The common council shall meet at such time and place as it by resolution shall direct. A majority of the aldermen and supervisors shall constitute a quorum.

Powers and duties of common council.

SECTION 37. The common council shall hold its first annual meeting in each year on the second Tuesday of April, and thereafter stated meetings, at such times as it shall appoint, and the mayor may call special meetings by notice to each of the members, to be served personally or left at their several places of abode. The common council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have the power to compel the attendance of absent members. No member of the common council shall receive any compensation for his services as such.

Time of meetings.

SECTION 38. The common council shall have the management and control of the finances, except school moneys, and of all other public property in the city; and shall likewise, in addition to the power herein vested in it, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, resolutions and by-laws for the government and good order of the city, for the suppression of vice, for the prevention of crime, and for the benefit of trade, commerce, and health thereof, and so enforce the same as it shall deem expedient, declaring and imposing penalties, and so enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules and by-laws are hereby declared to be and have the force of law: *provided*, that they be not repugnant to the constitution and laws of the United States or of this state;

Council to manage and control finances.

To make rules and regulation

and for these purposes shall have authority, by ordinance, resolution or by-laws:

Grant licenses.

1st. To license, regulate, suppress and prohibit the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, nine or ten pin alleys, and to provide for the abatement and removal of all nuisances, under the ordinances of said city, the laws of the state, or at common law, and may grant licenses for and regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors, and may prohibit and suppress the same: *provided*, that the license for so dealing in or vending spirituous, vinous or fermented liquors, shall not be less than fifty dollars nor more than three hundred dollars per annum, and that all such licenses hereafter granted shall run from the first day of May in each year to the first day of May following: *provided, however*, that when any such license may be applied for after that date, the same may be granted, to expire on the first day of May of each year, on the applicant paying pro rata therefor; but no license shall be granted for a longer term or period than one year.

To prohibit gaming, etc.

2d. To restrain, prohibit and suppress all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, with or without betting, and to restrain, prohibit and suppress any person or persons from vending, giving away or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council, and to license, regulate and suppress hawkers and peddlers.

To prevent riots, etc.

3d. To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses, or groceries, and houses of ill fame, and to authorize the destruction of all instruments used for the purpose of gaming. No person shall be incapacitated or excused from testifying, touching any offense committed against any of the provisions of this act, or any ordinance of the city of Wausau, by reason of him or her being implicated in any such offense, but the testimony of such witness shall in no case be used against such witness.

To abate nuisances.

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate

the same from time to time, as often as it may be necessary for the health, comfort and convenience of the inhabitants of said city.

5th. To direct the location and management of slaughter houses and markets, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of gunpowder and other combustible materials. To regulate slaughter houses, storage of gunpowder, etc.

6th. To prevent the encumbering of the streets, sidewalks, lanes or alleys with railroad cars, locomotives, engines, carriages, carts, wagons, sleighs, boxes, lumber, pine, wood, or any other materials or substance whatever. To prevent encumbering streets, etc.

7th. To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming within the limits of said city. Horse racing, swimming.

8th. To restrain the running at large of cattle, mules, horses, swine, sheep, poultry and geese, and to authorize the distraining, impounding and the sale of the same, for the penalty incurred and the costs of proceedings. Impounding of cattle.

9th. To prevent and regulate the running at large and lincense the keeping of dogs within said city. Dogs.

10th. To prevent any person from bringing, depositing or having within said city, any putrid carcasses, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unsound beef, pork, fish, hides, skins or substances of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons. Removal of unwholesome substances.

11th. To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and to regulate, license and suppress omnibus drivers, hackmen, coachmen, cartmen, draymen, and the charges of hackmen, coachmen, omnibus drivers, cabmen, cartmen, draymen, and all others who may pursue like occupations in this city, and to provide for lighting the streets, public grounds and public buildings, with gas or otherwise. Pounds; wells. Erecting lamps, regulating hackmen, etc.

12th. To establish and regulate boards of health, provide hospitals, pest houses and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds, set apart for public uses, from taxation. Boards of health. Burial grounds, etc.

13th. To regulate the size and weight of bread, and Bread.

to provide for the seizure and forfeiture of bread baked contrary thereto.

Riding or driving on sidewalks.

14th. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

Firearms and fireworks.

15th. To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Drunkenness, etc.

16th. To restrain drunkenness or obscenity in the streets or public places, and to provide for arresting, removing, and punishing any person or persons who may be guilty of the same.

Runners and police.

17th. To restrain and regulate runners and solicitors for stages, public houses or other establishments, and to establish and regulate the police of said city.

Public markets

18th. To establish public markets and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Butchers' stalls

19th. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Hay, lime, fuel, etc.

20th. To regulate the place and manner of weighing and selling hay, and measuring and selling fuel and lime, and to appoint suitable persons to superintend and conduct the same.

Removal of snow and rubbish.

21st. To compel the owners and occupants of buildings and grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Contagious and infectious diseases.

22d. To regulate, control and prevent the landing of persons from railroad cars or stages wherein are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Auctions, etc.

23d. To regulate the time, place and manner of holding public auctions or vendues, and to impose and collect license fees on all auction sales within said city.

24th. To appoint watchmen and prescribe their duties. Watchmen.

25th. To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures. Weights and measures.

26th. To protect trees and monuments in said city. Trees and monuments.

27th. To prescribe and regulate the construction of sewers within said city. Sewers.

28th. To lay out, make, open, keep in repair, alter or discontinue any highways, streets, lanes and alleys, and to keep them free from incumbrances, and to protect them from injury. Highways, streets, etc.

29th. To alter or change the name of any street in the city. Names of streets.

30th. To regulate, license, restrain and prohibit the ringing of bells and the crying of goods, wares and merchandise, or other commodities, in the streets or vacant lots of said city. Ringing of bells, etc.

31st. To regulate the running of locomotives, engines, and cars through the city, and prohibit them from being propelled through or in the same, at a greater speed than six miles per hour. Locomotives, cars, etc.

32d. To regulate and control the erection of awnings and awning posts, and to provide for and compel the erection and maintenance of safe and convenient hitching posts, and places for fastening teams, at such point or points as the council may deem necessary. Awnings and hitching posts.

33d. To provide for the removal or abatement of any nuisance caused by stagnant water standing upon any lot or land within said city, when said stagnant water shall be deemed by the said council to be injurious to the health of any portion of said city, and on complaint being made to said council to that effect, signed at least by two or more reputable physicians in actual practice in said city, and by at least six resident freeholders in and about the vicinity of said stagnant water, and thereupon the said council may in the ordinance declaring said nuisance, direct that said nuisance be abated or removed by filling or draining by a proper sewer, or both, such lot, lots or lands, by the owners or occupants thereof, within such reasonable time as shall be deemed practical by said council, and on the failure of any such owner or occupant to so abate the same within said time, the said common council may order and cause the same to be so abated at the expense of the owners or occupants of such lot, lots or lands, or at the expense of both such owner or occupant and of such other persons interested or Stagnant water a nuisance to be abated.

affected by such nuisance, or by the construction of any such sewer as may be deemed equitable and lawful between all the parties, to be determined by said common council.

Police regulations.

34th. To make, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good order and government of the city, and which may be necessary or expedient to carry into effect the powers vested in the mayor and common council, or any officer of said city, by this act, or which may be vested in any officer of said city by any ordinance thereof.

Breweries, tanneries, etc.

35th. To direct the location and regulate and license breweries, tanneries and packing houses.

How ordinances, etc., to be passed and made effective.

SECTION 39. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the common council; and shall be signed by the mayor, and shall, within fifteen days after their passage, respectively, be published in the official paper or papers of said city, once before the same shall be in force, and within fifteen days thereafter they shall be recorded by the city clerk in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, respectively, within the said time, shall be proved by the affidavit of the foreman or publisher of such newspaper, and said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time and manner of such publication, and such record of such law, ordinance, regulation or by-law, and the proof of such record certified by the clerk, under the seal of the city, or any printed book containing the same, purporting to have been published under the sanction of the mayor and council, shall be *prima facie* evidence of the due passage and publication of such law, ordinance, regulation or by-law. No appropriation shall be made without a vote of a majority of the members of the common council in its favor. And all the by-laws and ordinances of the city of Wausau now in force shall be and remain in full force and effect until the same are altered or repealed by the common council.

What deemed nuisances.

SECTION 40. The powers conferred upon the said council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind, wherein more than twenty-five pounds of gun-powder are deposited, stored

or kept at any one time, gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without the license required thereof, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to examine and audit accounts of officers.

SECTION 41. The common council shall examine, audit and adjust the accounts of the clerk, treasurer, marshal, and all other officers or agents of the city, at such times as it may deem proper, and also at the end of each year, and before the time for which the officers of the said city are elected or appointed shall have expired, or at any time thereafter. And the common council shall require each and every such officer and agent to exhibit his books, funds and moneys, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books, funds, moneys and vouchers to said council, it shall be the duty of the common council to declare the office of such person vacant; and the common council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all adjustments and settlements.

TITLE VI.

FINANCE AND TAXATION.

How money to be paid from treasury.

SECTION 42. All funds in the treasury, except school, state and county funds, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city. City orders shall be receivable for all city taxes, except school and special taxes for bridges and school purposes, and except taxes levied for the payment of the principal or interest of any outstanding indebtedness of said city, which shall be collected in money or in orders drawn upon such funds respectively, and all orders shall be payable to the persons or to the order of the persons in whose favor they may be drawn, or bearer.

City orders

Levy of taxes.

SECTION 43. The common council of said city shall annually levy upon the taxable property of said city to defray the current expenses of said city and its schools, a tax sufficient for that purpose, and sufficient for any other purpose duly authorized.

sing of bonds.

SECTION 44. The common council of said city shall not have power to issue any bonds or other evidences of debt, payable at a day subsequent to the date of the issue thereof, except in cases specially authorized by law, or whenever duly authorized by a majority vote of the electors of the city, nor shall the common council issue in any one year orders upon the city treasurer to an amount greater than the amount of taxes which may be levied under the provisions of this act: *provided*, that whenever it shall be necessary to build or repair bridges, or for any other special purpose, a special tax may be levied for such purpose, not exceeding three thousand dollars in any one year, and the said taxes, when so levied, shall be collected at the same time as other city taxes are collected, and whenever authorized by a vote of the people, an additional amount of the bonds of said city may be issued in any year, for the same or for any other purpose, not exceeding ten thousand dollars.

Levy of taxes for outstanding indebtedness.

SECTION 45. Taxes may be levied by the common council at any regular meeting, for the purpose of paying any outstanding indebtedness of said city, and also for the payment of any bonds or any other evidence of debt hereafter issued or created in accordance with the provisions of this act or by authority of law. Said taxes, when so levied, shall be collected at the same time other city taxes are collected.

Accounts to be verified.

SECTION 46. No account shall be allowed by the common council unless the same is verified by the owner thereof, or some person in his behalf.

Appeals to circuit court.

SECTION 47. When the claim of any person against the city shall be disallowed, in whole or in part, by the common council, such person may appeal from the decision of such council to the circuit court for the county of Marathon, by causing a written notice of such appeal to be served on the clerk of said city within thirty days after the making of such decision, and executing a bond to said city, with sufficient surety, to be approved by said clerk, county judge or court commissioner, conditioned for the faithful prosecution of such appeal, and the payment of all costs that shall be adjudged against the appellant by the court.

Duty of clerk

SECTION 48. The city clerk, upon such appeal be-

ing taken, shall immediately give notice thereof to the mayor and common council, or shall take such measures as by the ordinance or resolution of said common council he may be required to do, and shall make out a brief return of the proceedings in the case before said council, with its decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the circuit court for the county of Marathon, and such appeal shall be entered, tried and determined in the same manner as appeals from justices of the peace, and costs shall thereupon be awarded in like manner: *provided, however*, that whenever an appeal is taken from the allowance made by said common council upon any claim, and the recovery upon such appeal shall not exceed the amount allowed by said council exclusive of interest upon such allowance, the appellant shall pay the cost of appeal, which shall be deducted from the amount of the recovery; and when the amount of costs exceeds the sum recovered, judgment shall be rendered against appellant for the amount of such excess. In case of appeals.

SECTION 49. No action shall hereafter be maintained by any person against the city of Wausau upon any claim or demand other than a city bond or order, unless such person shall first have presented his claim to the common council of said city. Claims to be presented before suit commenced.

SECTION 50. The determination of the common council disallowing in whole or in part any claim of any person, shall be final and conclusive, and a perpetual bar to any action in any court founded on such claim, unless an appeal shall be taken from the decision and determination of such common council as hereinbefore provided, within ninety days after such decision or determination, or unless such counsel shall consent and agree to the institution and maintenance of an action by such claimant against the city: *provided, however*, that when the common council shall refuse or neglect to act upon any claim duly presented to it, this chapter shall not be so construed as to prevent the institution and maintenance of an action by said claimant against said city. Determination of council to be final.

TITLE VII.

ASSESSING, LEVYING AND COLLECTING OF TAXES.

SECTION 51. All property, real or personal within the city, except such as may be exempt by the laws of the state, shall be subject to taxation for the support What property subject to taxation.

of the city government, its schools, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; and the assessor elected under this act shall have and possess the same powers that are or may be conferred upon township assessors, except so far as they may be altered by this act: *provided*, however, that the common council may prescribe the form of assessment rolls, and more fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls, as it may from time to time deem advisable.

Assessor to give notice of completion of roll.

SECTION 52. When the assessment roll shall be completed, the assessor shall give one week's notice thereof in the official paper or papers, and shall fix a time and convenient place where he will hear any objections of parties deeming themselves aggrieved by such assessment, and after hearing the same, the assessor shall make such alterations or reductions as justice or equity shall require: *provided*, the time of hearing of such objections shall not be more than one week from the expiration of such notice.

Board of equalization may alter or add to roll.

SECTION 53. Within one week after the time limited for the hearing of such objections, the assessor shall return the said assessment roll to the board of equalization of the city. The board of equalization may supply omissions in said roll, and for the purpose of equalizing the same, may alter and add to, take from, and otherwise revise and correct the same.

Council may direct how assessment to be made.

SECTION 54. The assessment of said city may be made for each ward separately or as directed by the common council. And when made by wards, real estate not platted into lots and blocks, shall be assessed in forty acre tracts or other legal subdivisions of sections, in the ward where the same or the largest portion of such tract is located.

Lands omitted in previous year to be reassessed.

SECTION 55. If it shall appear to the assessor that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding two years, and that the same was then liable to taxation, he shall, in addition to the assessment of that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the common council shall direct, in addition to the tax for the current year, such tax to be

levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosesoever hands they may have come. Should the tax or assessment upon any parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying of the same, but not affecting the equity and justice of the tax itself, the common council shall cause the tax or assessment so set aside or declared void to be relevied, in such manner as it shall by ordinance direct: *provided*, that if the defect was in the assessment, the same shall be again assessed at such time as the common council shall direct, and the said tax or assessment so assessed shall be levied and continue a lien upon such lot or tract, and shall be collected as other taxes and assessments are collected under this act.

When taxes to be relevied.

SECTION 56. The mayor, city clerk, city treasurer, and the assessor, shall constitute the city board of equalization, and shall meet at the office of the city clerk on the last Monday of June, each and every year, at nine o'clock in the forenoon, and shall proceed in all respects as town boards are by law required to proceed, so far as the same is applicable, reviewing, correcting and equalizing the assessment rolls of the several wards in the city. The mayor shall be president of the board of equalization, and the city clerk the clerk thereof.

Board of equalization.

SECTION 57. When the assessment roll shall have been revised and corrected, the same shall be filed with the clerk. Thereupon the common council shall, by resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied, but not exceeding the authorized percentage, particularly specifying the purposes for which the same are levied.

Assessment roll to be filed with clerk.

SECTION 58. All changes of assessment rolls by the board of equalization shall be duly recorded by the city clerk.

Changes to be recorded.

SECTION 59. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the delivery of the warrant for the collection thereof until such taxes shall be paid, and no sale or transfer of such real or personal estate shall affect such lien; any personal property belonging to

Taxes to be lien on property.

the person taxed may be taken and sold for the payment of taxes upon real or personal property.

City clerk to complete tax roll.

SECTION 60. It shall be the duty of the city clerk, immediately upon the reception of the corrected assessment roll, and a certificate of the amount of state, county and school tax apportioned to said city, to calculate and carry out the total amount of such taxes, together with all the city and other local taxes, adding thereto three per cent. for the expense of collection, in an additional column prepared for that purpose in the assessment roll, setting down opposite the several sums set down as the valuation of real and personal property, the respective sums assessed as taxes thereon, in dollars and cents.

Clerk to make duplicate copy.

SECTION 61. The said city clerk shall immediately make out a duplicate copy of such assessment roll when thus completed and deliver the same to the treasurer on or before the second Monday in December in each year.

Warrant to be affixed to assessment roll.

SECTION 62. To each assessment roll so delivered, a warrant, under the hand of the city clerk and the corporate seal of said city, shall be annexed substantially in the following form:

Form of warrant.

THE STATE OF WISCONSIN—To the city treasurer of the city of Wausau, in the county of Marathon:

You are hereby commanded to collect from each one of the persons and corporations named in the annexed assessment roll, and of the owners or occupants of the real estate described therein, the taxes set down in such roll opposite to their respective names, and to the several parcels of land therein described; and in case any person or corporation upon whom any such tax is imposed, shall refuse or neglect to pay the same, you are to levy and collect the same by distress and sale of the goods and chattels of the person or corporation so taxed; and out of the moneys so to be collected, after deducting your fees, you are first to pay the treasurer of said county, on or before the last Monday of January next, the sum of ——, for state taxes, and the further sum of ——, for county purposes, and the balance of said money you are required to retain and pay out according to law; and in case said taxes and assessments shall not be paid before the fourth Monday of February next, you are required to return the same to the county treasurer of the said county of Marathon, as required by law.

Given under my hand and the corporate seal of the city, this —— day of ——, 18—.

—— ——, City Clerk.

SECTION 63. The said assessment roll and warrant thereto attached shall be prima facie evidence in all courts that the lands and persons therein named were subject to taxation, and that the assessment was just and equal. Assessment roll to be evidence.

SECTION 64. All the general laws of this state which are now or may hereafter be in force relative to the assessment and collection of taxes shall be in force in said city, except as otherwise herein specially provided; and the city treasurer shall proceed to collect the taxes and all assessments of said city in the same manner as is requireed by law of the town treasurer to collect taxes, except as herein provided. General laws to be applicable.

SECTION 65. Upon the receipt of any tax roll and warrant by the treasurer, he shall give public notice in a newspaper published in said city, that such tax list (describing for what purpose such taxes are levied) has been committed to him for collection, and that he will receive payment for taxes at his office until the second Monday in January next ensuing the date of said notice. If the taxes are not paid within said time, he shall then proceed to collect the same by distress and sale of the goods and chattels of the persons charged, giving at least six days' notice of the time and place of such sale, by posting up not less than three written notices in as many public places in said city. Treasurer to give notice of the collection of taxes.

SECTION 66. The treasurer shall be entitled to receive and collect as fees for the collection of taxes, one per cent. upon all taxes collected by or paid to him prior to the first Monday of January in each year, and three per cent. upon all taxes or assessments paid to or collected by him after the said first Monday in January; and in case of a distress and sale made by him of goods and chattels for the payment of any tax, he shall be entitled to receive such fees as are allowed constables on sales of goods upon execution; the city treasurer shall collect the fees hereinbefore prescribed, and shall keep, in a book to be provided for that purpose, a true account and statement of all fees by him received as city treasurer from any source whatever, and such book shall be open at all reasonable times to the inspection of any person; and the city treasurer shall, when required, make report to the common council, duly certified on oath, of all fees or other moneys received by him as treasurer, and he shall receive no other or further compensation for his services as treasurer than as hereinbefore provided, except that the common council shall provide him all necessary books, Fees of treasurer for collection of taxes.

blanks, stationery and expenses requisite to the discharge of his duties.

Informality not to affect validity of tax.

SECTION 67. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments shall be deemed only directory, and no error or informality in the proceedings of any of the offices intrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment.

Back taxes to be tendered before suit can be commenced.

SECTION 68. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract, or to set aside, or set up, or interpose any objection to the title derived by virtue of any tax deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the city treasurer, the amount of all state, county and city taxes that may remain unpaid on such lot or tract, together with the interest and charges thereon.

Delinquent taxes.

SECTION 69. The said treasurer of the city of Wausau shall return all delinquent taxes of said city to the county treasurer, in the same manner and form as is now or may hereafter be provided by the general law of this state for the return of delinquent taxes by town treasurers.

TITLE VIII.

OF HIGHWAY TAXES AND THEIR COLLECTION.

Highway tax.

SECTION 70. The common council of the city shall annually in the month of April, raise a tax upon all taxable property in the city for highway purposes, which tax shall not in any one year exceed five mills on the dollar valuation of the last assessment roll of the city.

Poll tax.

SECTION 71. Every male inhabitant of the city, being over the age of twenty-one years and under the age of fifty years, except such as are exempt by law, shall be assessed and pay a poll tax of such sum of money as is usually paid for like services in and about the city, or one day's work on the highways of the city, under the direction of the street commissioner. The amount of such tax shall be fixed by the common council.

Collection and expenditure of highway and poll tax.

SECTION 72. The amount of both such taxes or assessment shall be collected by the said street commissioner, and expended in repairing, grading and graveling the streets of the city under the direction of the common council and the necessities of the streets

in the order as far as may be of the street commissioner's report, as modified by said council from time to time, or the street committee, as hereinafter provided.

Duty of clerk in assessing highway and poll tax.

SECTION 73. Within twenty days after said tax shall be voted to be raised by said common council, the city clerk shall make out the highway tax list upon blank books in duplicate, to be furnished by the city in the form prescribed by the laws of the state for such lists to be made by the supervisors of the several towns of the state. The said lists shall contain: 1st, The names of all persons liable to pay a poll tax to the city. 2d, The name of each person assessed for personal property, and the amount of each assessment opposite each name as appears on the last tax roll. 3d, The description of all lots and parcels of land within the city, and the valuation of each opposite to each description, with the name of the owner or occupant thereof, as the same shall appear on the last preceding tax roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such lot or parcel formed a part. And the said clerk shall affix, in the proper columns of said lists, the true amount of tax upon each person and upon each item of property thus assessed opposite to each such person and item of property, in accordance with the resolution raising the tax.

Street commissioner to make list of persons liable to poll tax.

SECTION 74. On or before the fifteenth day of May of each year, the said street commissioner shall ascertain and make out a correct list of all persons in the city liable to pay a poll tax, certify to the same, and file it with the said city clerk, who shall place in said tax list the names of all such persons whose names do not appear on the last tax roll of the city, and affix the tax to each in the proper column.

Form of warrant.

SECTION 75. On or before the twentieth day of May of each year, the said clerk shall annex a warrant to each of said lists, in the following form, viz:

To the street commissioner of the city of Wausau:

You are hereby required to collect from the several persons and corporations named in the annexed tax list, and from the owners of the real estate described therein, the taxes set opposite to such persons, corporations and property, within the time limited by law, and to apply the taxes by you collected in repairing, graveling or grading the streets as authorized by law, and also to make due returns as the law requires.

Dated the —— day of ——, 18 —.

—— ——, City Clerk, —— ——, Mayor

Which shall be signed by the mayor and city clerk, and one of which shall be delivered to the said street commissioner and the other kept and filed in the office of the city clerk, on or before the day above mentioned.

Persons left out of any such lists shall be added.

SECTION 76. The names of persons left out of any such highway tax list, and who ought to have been included therein, and of new inhabitants who have not been assessed and paid such tax in any other place, shall from time to time be added to the several lists and assessed by the street commissioner on their polls, and in proportion to their taxable property as others are assessed, in the judgment of said commissioner, subject to an appeal to the common council of the city.

COLLECTION AND APPLICATION OF HIGHWAY TAXES.

Application of highway taxes

SECTION 77. It shall be the duty of the said street commissioner, between the fifteenth and thirtieth days of April of each year, to call on the city treasurer and demand of him all moneys accruing from returned highway taxes in said city, or from moneys paid into the city treasury by a former street commissioner; and the said treasurer shall pay over the amount thus obtained, take a receipt therefor, and file it with the city clerk, who shall credit it to the city treasurer, and charge it up against the said commissioner, as well as the amount in the highway tax list.

When tax to be worked out.

SECTION 78. Every street commissioner shall cause two-thirds of the highway tax assessed in the city each year to be worked out before the first day of August in each year, and commence such work as early as possible each year, and the balance and sufficient shall be left to do the ordinary work for the balance of the year, of patching up bad places, removing all filth, snow drifts or other obstructions in the streets, clearing of the public crossings, sidewalks built by the city, and all such other work as may be necessary to keep the streets in the city in good passable condition, and free from filth.

Street commissioner to collect and account for highway taxes.

SECTION 79. The said street commissioner shall proceed and collect the said highway taxes on his tax list in the same manner, and with the same authority in all respects (except as herein otherwise modified), as is prescribed for, and govern overseers of the several towns of the state by the general laws thereof. But the said street commissioner shall keep an accurate account of the collection of said taxes in a book to be provided by said common council, stating therein the

name of each person who pays such tax against him, the date when paid, and the amount paid in money, and the amount paid in labor, and by whom; which book shall be held for the inspection of the street committee, or of said council, or any other citizen of the place at any and all reasonable times, and shall also be returned by said street commissioner and filed in the clerk's office of the city at the time he renders his annual account to the common council in March of each year.

Persons to be notified of work to be done.

SECTION 80. The said street commissioner shall notify, or cause to be notified by his assistant commissioners, in case he has such, as many persons as near the work to be done, as he can conveniently find them, and as many as he may judge he can profitably employ on the streets at any time he shall choose to work, and have a proper proportion of teams, shovelers or others which he may need, suitable to the work to be done; and all the prices shall be regulated by the usual prices paid in and about the city for like services or uses in such year, and in case any dispute shall arise as to what they are, the common council shall determine and settle them by resolution.

Penalty for neglecting notice.

SECTION 81. If any person assessed for a highway tax shall neglect to appear and work on the streets at the time and place and with the team, wagon, cart or other implement required in the notice given by the street commissioner, unless satisfactory cause shall appear to said commissioner for such neglect, he shall not thereafter be entitled to pay his highway tax assessed for that year, or any part thereof, in labor, but shall thereafter be liable to pay the same in money, with five per cent. thereon added in case he refuses to pay the money on demand.

In case of refusal to pay highway tax.

SECTION 82. Whenever any person shall become liable to pay his highway tax in money, the said street commissioner shall collect the same, demand payment thereof, and in case any such person shall neglect or refuse to pay such tax in money on such demand, such street commissioner shall levy the same with five per cent. added, by distress and sale of the goods and chattels of the person who ought to pay the same; he shall give public notice of the time and place of such sale and of the property to be sold, at least six days previous to the time of sale, by a notice thereof to be posted up in at least four public places in the city, and at the time and place fixed in such notice, he shall sell the same at public auction to the highest bidder; and if the property so levied upon and sold shall bring

more than the amount of such tax with five per cent. added and costs of collection, he shall return the surplus to the person from whom the property was taken. And such street commissioner shall be entitled in such case of levy and sale, to have and receive the said five per cent., and the same fees as constables are entitled to receive for like services.

All moneys to be applied to street work.

SECTION 83. All moneys collected or received by such street commissioner for highway purposes, shall be faithfully applied by him and expended in procuring labor, teams, wagons or other necessary implements and materials as heretofore pointed out, and under a strict supervision of said street committee, whose duty it shall be to examine the work done by said commissioner every week during the months of May, June and July of each year, and as often as other work shall be done in other months of the year where any great amount of expense shall have been directed or become necessary; and also to examine and adjust all accounts before the same shall be paid by said commissioner once a week as above spoken of, and on such other times as may be reasonable for the wants of those who may be thus employed for money by said commissioner.

Work examined by street commissioner.

Commissioner to keep account of expenditures

SECTION 84. It shall be the duty of said commissioner to keep an exact account of every man employed, whether for money or to pay a tax against him, designating which, and of the team, wagon or other implements used by him, and of all materials purchased, together with the price to be paid for each, showing the time when each person worked, or when each implement was used or material was bought, and by whom; all of which shall be kept in large time-table pocket-books, to be procured at the expense of the city; and at the end of each man's account for the week as above spoken of, or other period of time for payment of the same, said book shall show the amount due to or worked out by each person up to that time, for which he shall be entitled to receive pay for the same, either on the tax list or in money.

Auditing accounts.

SECTION 85. At the end of such times, the street commissioner shall deliver said book to said street committee, who shall carefully examine it, correct it in any respect, if errors therein appear, or if any account shall be deemed to be wrong in any respect, it shall so note it, and in what respect, in red ink, and as thus examined, corrected and approved, it shall so write on the page in red ink, date it and sign it. And

hen this is done, the said street commissioner shall, n the presence of said committee, give credit for the mount thus allowed to each person, and mark on the ax list "paid," against the tax thus paid, and pay the alance in money to the persons thus entitled by such ook thus approved. And in this manner shall the hole tax for highway purposes be kept, corrected, pproved, allowed and paid: *provided, however*, the ommon council shall have power at any time to so odify the manner of auditing such accounts as time nd circumstances may develop for the safety and roper expenditure of such moneys, without loss to he city.

SECTION 86. In case any controversy shall arise etween said commissioner, or any person to whom ny tax shall be allowed or money to be paid, as proided in the next preceding section, and the said street ommittee, the matter shall be submitted to the action f the common council, in the same manner as other emands or claims are to be submitted to it, as proided for in chapter five of this act. **In case of controversy.**

SECTION 87. If said street commissioner shall not e able to collect any such highway tax, on any real or ersonal property in his list, he shall, on or before the st Monday of October of each year, make out and eliver to the city clerk a statement in writing, containng a description of all the real estate in his list, and f the personal property and owners thereof in his said ax list upon which the taxes remain unpaid, together ith the tax assessed to each such description of land r personal property, and of the names of the owners f such land if known. And he shall make and ubscribe an affidavit thereon, that the taxes menioned in said statement remain unpaid. If such comissioner shall neglect to make and deliver such statenent to said clerk as aforesaid, the common council hall, on that fact becoming known to it from the ity clerk, send the marshal of the city to notify said ommissioner to appear forthwith before said council o make and deliver such statement, or show cause hy. And in case the said commissioner shall neglect r refuse to make and deliver such verified statement s required hereby, or show cause why, he shall forfeit nd pay a fine of not less than twenty-five nor more han one hundred dollars. **Manner of collecting unpaid taxes.**

SECTION 88. On or before the first Monday of Iarch of each year, the said street commissioner shall ake out an account of all his doings as street commis- **Time of commissioner's report.**

sioner for the past year, verify the same, and file it together with his tax list, and all books, with time table books, upon which his accounts were kept, and on which the street committee's actions are found, which account shall show the names of all persons taxed on said list, the amount collected of each one in labor, and also the amount collected of each in money; also the amount collected or received from the city treasurer or any other source, the amount returned uncollected, the amount not returned and not collected, and from whom and the reason why, and also the name of each person to whom he has paid out such moneys, and the amount to each; and shall also show the amount of moneys in his hands unexpended.

City clerk to hand report to street committee.

SECTION 89. At the first meeting of the common council next after said return shall be made, the city clerk shall hand the same, with the returned list and such account on time table and all other books, over to the street committee, who shall, without delay, carefully examine the same to see if there are any errors, false entries, or other irregularities therein or otherwise, to the satisfaction of said committee, who, as soon as may be, shall report thereon to the said council whether correct or incorrect, and if incorrect to state wherein, and all they know about it. And in case any such street commissioner shall neglect or refuse to make out and file such verified account as required by this act, or return and file his said tax list, or any time table or other book upon which his accounts were kept, with the doings of the said street committee thereon, as herein also required; and in case the said committee shall find his account incorrect, or shall find in any other way that the said street commissioner shall have made a false return in his account or shall have converted or paid out any moneys coming into his hands by virtue of his office to his own use, or that of any other person other than is required by this act, and the warrant under which he collected the taxes or other money, he shall forfeit and pay a fine not less that twenty-five nor more than two hundred dollars; and he also shall be held on his bond, together with his sureties thereon to pay the amount of any such deficiency as can be proved against him, and all costs, into the treasury of the city. And the common council shall immediately cause suits to be brought against said street commissioner to recover said forfeiture and deficiency, with costs.

Forfeiture and fine for incorrect accounts.

In case of refusal to give money, etc., remaining in his hands, council to bring suit against commissioner.

Money remaining after rendering account

SECTION 90. If, upon rendering such account, any moneys shall remain in the hands of such street com-

nissioner, he shall immediately pay over the amount to the city treasurer, who, in case of neglect or refusal to pay the same, shall forthwith sue for and collect the amount so found due from said commissioner, or his sureties, in the name of the city, to be applied when collected as provided in section eight of this chapter.

to be paid over to city treasurer

SECTION 91. The said street committee shall be entitled to have and receive for its services, rendered by virtue of this chapter, such fees as the common council shall deem just.

Fees of street committee.

TITLE IX.

OF GRADES, SIDEWALKS, PAVEMENTS, ETC.

SECTION 92. The common council of said city shall have power, by ordinance, to establish grades of any or all the streets in the city, and as hereinafter provided, to cause sidewalks, gutters and pavements to be constructed; and when a grade shall be established, it shall have such gradients as shall be sufficient to carry off all surface water, or other waters, from whatever source, coming on to such street or streets; and to change and re-establish the same in such manner as shall be deemed expedient for that purpose, and when so established, it shall cause accurate profiles thereof to be made and filed with the city clerk, and all such grades shall be worked in exact accordance with such profiles and the ordinance establishing the same: *provided*, that whenever such grades shall be changed or altered after the same shall have been once established and worked, any person who shall have sustained damages in consequence of such change or alteration, shall have a claim against the city for such damage; but no action shall be commenced against the city for the same until after such claim shall have first been made out and submitted to the action of the common council for allowance, in the same manner and for the same length of time as is provided by section forty-seven of this act.

Council to have power to establish grades, etc.

SECTION 93. Every ordinance for either of the above purposes, shall be introduced at least one week before the same shall finally be passed. But before any new sidewalk, gutter, pavement or other expensive improvement shall be caused to be made by ordinance, a petition therefor shall be made to said council, describing the purpose, signed by at least a majority of all the lot owners on such street or part thereof, not less than sixteen rods in length, adjoining the proposed improvement, and whose aggregate front-

How ordinances to be introduced.

age thereon shall also be not less than one-half the whole length of the street to be improved.

Improvements to be described

SECTION 94. Every such ordinance shall particulary describe the improvement to be made, and direct the time in which it shall be made, not less than forty days from the last publication of such ordinance, or sixty days from the day of posting the same in such case; and shall compel each lot owner to make the said improvement in front of his own premises, to the center of the street, in case of pavement, or other such improvement of the street, or only to furnish materials as designated in such ordinance, and lay down his own sidewalk or make the gutter, according to the ordinances, on the established grade for that purpose, after the same shall be graded by and at the expense of the city, out of the highway fund.

In case owner neglects to do work, council may cause it to be done at his expense.

SECTION 95. If the owner of any lot or piece of ground against which such improvement or sidewalk is to be made by such ordinance, shall not construct such sidewalk or make such pavement, gutter or other improvement, in the manner, out of the materials, and at or before the time designated, and according to the ordinance, the said common council shall cause such sidewalk to be built, or pavement, gutter, or other improvement to be made forthwith at the expense of the owner so being in default; and the street commissioner, or any person designated by said council, shall superintend, hire competent men, buy suitable materials, and cause, under the direction of said council, such sidewalk to be built, or such other improvement to be made, and shall keep an accurate account of the expense in full, street commissioner's fees and all, against each person so in default, and make out a statement of the same against each, and after the said statement shall be duly verified by said street commissioner or other person so designated, he shall deliver the same to the city clerk, who shall in making out the next tax roll of the city after such delivery of statement, enter such unpaid expense in a column of such tax roll, opposite to the description of the land against which such sidewalk or other improvement shall have been made, which expense so entered shall be a lien on said land the same as any other tax, and be collected the same as any other tax, and paid over and held by the city treasurer in the general fund of said city and paid out as such.

Repair of dangerous sidewalks.

SECTION 96. Whenever a sidewalk or gutter shall be out of repair, and so remain for twenty-four hours,

which, in the opinion of the street commissioner, will not cost exceeding five dollars, in front of any one lot or piece of ground, and shall be dangerous to public safety or travel, it shall be the duty of the street commissioner to repair the same immediately, and certify the cost of the same against the owner of the lot or land to the city clerk, who shall enter the sum in the next tax roll against the proper lot, as a tax, which shall be a lien thereon, and collect the same as is mentioned in the foregoing section.

Work to be let to lowest bidder.

SECTION 97. The common council may, in its discretion, by an affirmative vote, let to the lowest responsible bidder the construction of any sidewalk or gutter, or the making of any other improvement on or along any street or highway in the city, which shall be so mentioned or called for in the petition as above spoken of for the same, or may also so let the building of any sidewalk or gutter, or the making of any improvement in such street, in case of any default in doing the same, in accordance with the ordinance mentioned in section ninety-four, authorizing the same, and the expense of doing such work and of making such improvements, shall be collected against each lot owner fronting on the same, on the verified statement of such bidder, in the same manner as provided in section —

All work to be done under direction of street committee.

SECTION 98. All the work mentioned in this chapter shall be done under the supervision of the street committee, and shall be approved by it before the same shall be accepted by said common council; and the cost and expenses of making all surveys, taking all levels and making all plans, plots or profiles for such work shall be chargeable to and paid by the city.

Sidewalks repaired on complaint of any person.

SECTION 99. The common council shall also, on complaint being made by any person or to any member thereof, or on its own knowledge, or that of any member thereof, that any sidewalk already established in the city is out of repair, that the same is dangerous and unsafe for public travel, and the cost of such repair will exceed the sum of five dollars, shall by resolution, to be published not less than one week, authorize and compel the owner or owners thereof to rebuild and repair the same without delay; and in case any such owner neglects or refuses to so rebuild or repair such sidewalk within two weeks after such publication of such resolution shall have been made, the common council shall cause the street commissioner, or some other person designated by it, to rebuild or repair the same forthwith, and to certify the cost in full

for the same against each lot so being in default, in the same manner as provided in sections ninety-five and ninety-six, and the city clerk shall place the same in the next tax roll of the city in the same manner as therein provided: *provided*, that all kinds of real estate in the city exempt by the laws of the state from taxation for general purposes, shall not be exempt from paying the taxes mentioned in this chapter, but shall be subject to and pay such taxes for such improvements, sidewalks and pavements, or repair the same as other real estate in the city, or the owners thereof shall cause the same to be done.

TITLE X.

ACTIONS TO RECOVER PENALTIES, ETC.

Actions to be brought in name of city.

SECTION 100. All actions brought to recover any penalty or forfeiture under the ordinances, by-laws, or police or health regulations, made in pursuance of this act, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the section of the ordinance, by-law or regulations under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Summons or warrant.

SECTION 101. In all prosecutions for any violation of any of the provisions of any by-law, ordinance or regulation, the first process shall be a summons, unless oath be made for a warrant, as in criminal cases before justices of the peace under the general statutes of the state. Upon return of the warrant, if commenced by warrant, the judge may proceed summarily with the case, unless it be adjourned by consent or for cause. If the case be adjourned, the defendant, if required by the court so to do, shall recognize with security, to be approved by the court, for his or her or their appearance, in such sum as the court shall direct, or, in default thereof, may be put in charge of the officer who made the arrest, or be committed to the common jail of Marathon county. The complaint made as aforesaid shall be the only complaint required, and the plea of not guilty shall put in issue all subject matter embraced in the action.

How case to be tried.

Printed copy of ordinance, etc., to be evidence.

SECTION 102. A printed copy of an ordinance, by-law or regulation passed by the common council, and published in a newspaper or in pamphlet or book form, purporting to be published by authority of the common council, shall be prima facie evidence of its due passage and publication, and shall be received in evi-

dence on trial of all cases cognizable before any court of this state.

SECTION 103. Witnesses and jurors shall attend before the municipal judge in all city and criminal suits, without the payment of fees in advance, or a tender thereof, upon process duly served, and in default thereof, their attendance may be compelled by attachment. Prepayment of fees not necessary.

SECTION 104. In city prosecutions, a jury shall be allowed either party, or may be tried by the court, and the findings of the court or jury shall be guilty or not guilty. If guilty, the court shall render judgment thereon against the defendant for the fine, penalty, or forfeiture prescribed in this act, or in the ordinance, by-law or regulation, for the violation of which the person or persons shall have been adjudged guilty, and for costs of suit; but if not guilty, the costs of suit shall be taxed against the city. Upon the rendition of judgment against the defendant, and the non-payment thereof, the judge shall forthwith issue execution, as in cases of tort, in case the action was commenced by summons, or a commitment in case it was commenced by warrant, and shall in either case determine and enter upon his docket the length of time the defendant shall be imprisoned, which in no case shall exceed six months, and also insert such time in the execution of commitment. Such execution shall be in the following form: Findings of court.

County of Marathon — city of Wausau — ss. Form of execution.

The state of Wisconsin, to the sheriff or any constable of said county, and to the keeper of the common jail of said county, greeting:

Whereas, the said city of Wausau, on the —— day of ——, 18—, recovered a judgment before the undersigned, municipal judge, in and for said city, against —— ——, for the sum of —— dollars and —— cents, costs of suit, for the violation of section —— of an ordinance or by-law or regulation of said city, describing it by its title: You are hereby commanded to levy distress of the goods and chattels of said —— ——, excepting such as the law exempts, and make sale thereof according to law, to the amount of said sum, together with your fees, and twenty-five cents for this writ, and the same return to me in thirty days, and for want of such goods and chattels whereon to levy, to take the body of said —— ——, and him convey and deliver to the keeper of the common jail in Marathon county; and the said keeper is hereby commanded to receive, keep in custody in said jail, the said —— ——, for

the term of ——, unless the said judgment, together with all the costs and fees, are sooner paid, or he be discharged by due course of law.

Given under my hand, this —— day of ——, 18—.

——, Municipal Judge.

The form of the commitment shall be substantially the same as that of the execution, omitting all that relates to the levy and sale and return of writs.

When appeal may be taken.

SECTION 105. In all cases where the fine is more than twenty dollars, the defendant may appeal from such judgment to the circuit court of the county of of Marathon: *provided*, such defendant, within twenty-four hours, enter into a recognizance, with one or more sufficient sureties, to be approved by such judge, conditioned to appear before said court and abide the judgment of the court therein. The judge shall make a special return of the proceedings had before him, and shall forthwith cause the summons or warrant and return, together with the proceedings and copy of the entries of his docket in the acton, together with the recognizances, to be filed in the office of the clerk of said court; and the city may appeal from any such judgment, as in other cases before justices of the peace.

Appeal to be tried by jury.

SECTION 106. Said appeal shall stand for trial by jury, unless a jury be waived in the manner provided by law, in said circuit court, at the next term thereof after the day the judgment of the judge shall be rendered, and no notice of trial shall be required to be given to or by either party.

Penalty to be inflicted in case of conviction.

SECTION 107. If the judgment of the municipal judge shall be affirmed, or if, upon the trial, the defendant shall be convicted, the court shall inflict the penalty provided by the ordinance, resolution, by-law, or regulation under which he or they are prosecuted, and enter judgment against him or them and their sureties for such penalty, together with the costs in both courts, and enforce the same by execution, as in actions of tort.

Residence not to work incompetency as witnesses, etc.

SECTION 108. No person shall be an incompetent judge, justice, juror or witness by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Ordinances to remain in force.

SECTION 109. All ordinances and regulations now in force in the city of Wausau, and not inconsistent with this act, shall remain in force until altered, modified or repealed by the common council, after this act shall take effect.

Actions to be prosecuted by corporation.

SECTION 110. All actions, rights and penalties, fines and forfeitures in suits or otherwise, which have arisen

or accumulated under the several acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created.

How to commence suits against city.

SECTION 111. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process of summons with the mayor or clerk of said city, and it shall be the duty of the said mayor or clerk so served forthwith to inform the common council thereof, or to take such demand or proceedings as by ordinance or resolution of said council may be in such case provided.

Penalties and forfeitures.

SECTION 112. All penalties and forfeitures recovered and collected under and by virtue of any by-law or ordinance of said city shall be paid into the city treasury for the use and benefit of said city, except as otherwise herein provided.

All fire apparatus to be exempt from execution.

SECTION 113. All fire engines, hose carts, hooks and ladders and wagons therefor, and all other apparatus and implements used to extinguish fire, and all houses or buildings owned or occupied by said city for such engines, hose, hose carts, hooks and ladders, and other apparatus and implements, shall be exempt from attachment or execution issued in any action, or on any judgment wherein the said city shall be a party.

No private property sold for debts of city.

SECTION 114. No real or personal property of any inhabitant of said city, or of any individual or corporation, shall be levied on or sold by virtue of any attachment or execution issued to collect or satisfy any contract, debt or obligation of said city or on any judgment against said city.

Mayor may grant pardons.

SECTION 115. The mayor shall have power to grant pardons or commutations, after convictions, for all offenses against the ordinances of the city, upon such conditions as he may deem proper. He shall communicate any such action to the council at its next meeting, with the reasons therefor.

TITLE XI.

FIRE DEPARTMENT.

Common council may prescribe fire limits.

SECTION 116. The common council, for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected or repaired, and to direct that all and every building within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the

fire limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the penalties for the violation of any resolution or ordinance passed under this section.

Precautions against fire.

SECTION 117. The common council shall have the power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places; to require the inhabitants to provide as many fire-buckets, and in such manner and time as it shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire; to regulate and prevent the use of fireworks and firearms; to compel the owners and occupants of buildings to have scuttles in the roof, and stairs or ladders leading to the same; to authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of the fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient, and to provide penalties for the violation of any resolution or ordinance passed under this section.

Power to purchase fire apparatus and organize fire companies.

SECTION 118. The common council shall have full power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be delivered up. Each company shall not exceed seventy able bodied men, between the ages of eighteen and fifty years, and may elect its own officers, except chief engineer who shall be appointed by the common council at his first meeting in each year, and to form its own by-laws, not inconsistent with the laws of this state or the ordinances and regulations of said city and shall be formed only by voluntary enlistments. Every member of said company hereby authorized to be formed shall be exempt from highway work and poll tax and from serving on juries and military duty, except in case of war, insurrection

Members of fire companies exempt from highway or poll tax, etc.

or invasion, during the continuance of such membership; and any person having served for the term of seven years, in either of such companies, shall be forever thereafter exempt from poll tax and military and jury duty, except as in cases before mentioned.

Fire wardens appointed by mayor.

SECTION 119. The mayor shall appoint one fire warden for each ward, subject to confirmation by the common council, who shall perform such duties as the common council may prescribe, and they may at any time enter into any building, house, barn or inclosure, for the purpose of inspecting the same.

Proceeds of fines and penalties to be paid to fire department.

SECTION 120. The net proceeds of all fines and penalties recovered and collected for the breach of any ordinance, by-law or regulation made in pursuance of this chapter, shall be paid by the city treasurer to the fire department: *provided, however*, the common council may order to the contrary.

Penalty for refusal to obey orders of officers.

SECTION 121. When any person shall refuse to obey the lawful order of any engineer, fire warden or alderman of the city, the mayor or city marshal at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally the marshal, constable or watchman, or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the common council may prescribe, not exceeding twenty dollars.

Organization and duty of sack company.

SECTION 122. The common council shall have power to organize a sack company, or to countenance any such company now organized, which shall be known by such name as it may select, and shall consist of not more than thirty members. Such company shall constitute a part of the fire department, and at fires shall be subject to the control of the chief engineer. The members of said company, either collectively or individually, are hereby authorized and empowered to act as a special police in and for the city of Wausau, and are hereby vested with all the power and authority which now is or may hereafter be vested in any other police officer of said city, and shall be entitled to all the rights and immunities of members of the fire department. At fires they shall take charge of all property which may be exposed and endangered,

and shall, as far as may be in their power, preserve the same from injury or destruction. Such company may from time to time, adopt such by-laws as it may deem necessary, not inconsistent with the laws of this state or the ordinances of said city. The members thereof shall not be entitled to any compensation for any services rendered in their official capacity. They shall, in case of riot or other disturbances of the peace, have access to all licensed places of amusement in the city, and shall perform such services as may be necessary for the peace and good order of the same.

Duty of treasurer of fire department.

SECTION 123. The treasurer of the fire department shall receive and pay out all moneys belonging to said department, and shall secure the faithful performance of his duty by his bond to said city in such penal sum as shall be required, and with sureties, to be approved by the common council. Such moneys shall only be paid out on orders signed by the chief engineer or acting chief engineer, and countersigned by the clerk of said department.

Election and duty of clerk of company.

SECTION 124. There shall be elected by the members of each company aforesaid, annually, at their annual meetings, a clerk or secretary, and a treasurer, who shall, on or before the first Monday in May of each year, return to the city clerk a list containing the name of each member of their respective companies; and when any member of either of said companies shall cease to be a member thereof by resignation, expulsion or otherwise, notice thereof shall be given the city clerk.

Duty of city clerk.

SECTION 125. The city clerk is hereby required to keep a record of the members of the several companies organized under this chapter, and such record shall consist of the returns made by the several clerks or secretaries, as above provided; and no person shall be exempt from jury duty, unless the name is entered on such list. In case any person shall, for any cause, cease to be a member of either of said companies, the clerk shall note that fact on the list thereof, and shall return to the clerk of the board of supervisors of the county of Marathon, a list of all persons who are members of either or all of said companies exempt from jury duty, on or before the day now appointed, or which may hereafter be appointed for the annual meetings of said board, and said board shall not place the names of such persons on the jury list for the ensuing year.

Insurance companies to pay two per cent.

SECTION 126. All corporations, companies and associations, not incorporated under the laws of this state,

engaged in said city in effecting fire insurance, shall pay to the treasurer of the fire department at the rate of two per cent. upon the amount of all premiums which shall have been received or shall have been agreed to be paid, for any insurance effected or agreed to be effected on any property in said city, by or with such corporation or associations respectively, in manner and at the times as prescribed by the general laws of the state in relation thereto. The money so received shall be used and paid out for the purposes of said fire department, or divided and paid into the treasuries of the several companies composing said department, subject, however, to the disposition or approval of the common council.

on premiums to treasurer of fire department.

TITLE XII.

PUBLIC SCHOOLS.

SECTION 127. All the district of country within the corporate limits of the city of Wausau, shall be known and designated as school district number one of the city of Wausau, for all purposes: *provided*, that the common council shall have the power to change, alter and define, or divide into two or more districts, as it may deem expedient.

Council have power to change districts

SECTION 128. The common council of the city of Wausau shall annually hereafter, at its regular meeting in May, elect two school commissioners, who shall hold their office for three years, unless sooner removed by a vote of two-thirds of the appointing power. The terms of office of said commissioners shall commence on the first Monday of July in each year. The school commissioners now in office in said city of Wausau, shall so remain and continue to act, until the terms for which they were respectively appointed shall have expired.

Elect'on and terms of office of school commissioners.

SECTION 129. The school commissioners now in office, and hereafter elected under the provisions of the foregoing section, shall form the board of education of the city of Wausau, and a majority of said board shall form a quorum for the transaction of business. It shall be the duty of the common council to supply by appointment any vacancy which may occur from time to time in the number of said school commissioners, by resignation or otherwise.

Commissioners shall form board of education.

SECTION 130. Said board of education shall annually elect a city superintendent of schools, whose term of office shall commence on the first Monday of July, and said superintendent shall continue in office for one year and until his successor is elected, unless sooner

City superintendent of schools.

removed by a two-thirds vote of the board of education for misconduct or other sufficient cause.

Election and duties of president of the board of education.

SECTION 131. The board of education shall, at its first regular meeting, on the first Monday in July of each year, elect one of its members president, who shall preside at all meetings of the board, and preserve order and decorum thereat, and decide all questions of order subject to appeal to the board. He shall countersign all orders drawn by the secretary for the payment of teachers' and janitors' wages and all other incidental and necessary expenses of said board of education, including superintendent's salary, and in all suits brought by or against the school-district, he shall appear in behalf of the district, unless some other provision is made by the board of education. He shall declare all votes taken on questions coming before the board: *provided*, that on all questions requiring appropriations of money, or the adoption of new text-books, the votes shall be taken by ayes and noes, and on any other question the ayes and noes shall be called when any member shall request: *provided further*, that in the absence of the president, the board shall elect a president pro tempore.

Board to meet at least once in each month.

SECTION 132. The board of education shall have at least one regular meeting in each month, at such time and place as may be designated by it; and it may have special meetings at such other times as it may deem necessary, or when called together by the president; but no such special meeting shall be legal unless each member of the board shall have first been served with notice in writing of the time and place of such meeting.

Salary of city superintendent

SECTION 133. The city superintendent of schools shall receive an annual salary, to be paid quarterly, the amount of which shall be determined from year to year by the common council; but the members of said board of education shall receive no compensation for their services as such.

Duties and powers of board

SECTION 134. The duties and powers of the board of education shall be as follows:

Election of superintendent.

1st. To elect at its regular meeting in July in each year, a city superintendent of schools; but if such election shall not then be had, the said superintendent shall be elected at some regular meeting thereafter.

Number of teachers; grade of school, and salaries.

2d. To decide upon the number of teachers to be employed, the grade of school to be kept by each, and the amount of salary to be paid each, and to hire and make contracts with teachers; and before any teachers

shall enter upon his or her duties as such, he or she shall enter into a written contract, which contract shall be signed by such teacher and by said board of education, or by some member thereof designated for that purpose by resolution of said board. Such contract shall be made in duplicate, and one copy thereof filed with the secretary and the other copy delivered to the teacher.

To arrange term., etc. Secure uniformity in text-books, etc.

3d. To arrange and determine terms and vacations in all public schools, to establish uniformity in the school system, and to require and secure uniformity in text books, and to adopt and reject text books at will.

To establish rules.

4th. To establish rules and regulations for schools, not in conflict with the constitution or laws of this state; and shall have full control over all schools and school districts within said city, except as herein provided.

To make contracts for fuel, etc.

5th. To make contracts for fuel, stationery and articles of furniture required for the use of the schools; to make all necessary repairs in school houses lighting fires, sweeping school rooms, etc., and such contracts when executed, shall be paid by orders drawn on the city treasurer, payable out of the school fund, which orders shall be signed by the president of the board of education, and countersigned by the secretary of said board.

Annual report to be submitted to council.

6th. The said board shall annually, on or before the first day of October in each year, submit a statement to the mayor and council, showing the amount of teachers' wages that have accrued and become due during the year, and the amount of all other indebtedness accruing on contract or otherwise, that has been made by order of the board, and for that purpose it shall cause entries to be made, in a book or books to be provided by the city, of all contracts made by the teachers, and the amount of salary to be paid, and of all other expenditures made or authorized by said board at the time the same shall be made or authorized by said board, which book or books shall be subject to inspection in the same manner as the records of the proceedings of said board, and it shall, at the same time, submit for the consideration of the council a statement of the estimate required for carrying on the schools for the ensuing year, specifying the amount required for teachers' wages and other items, separately and specifically. Nothing in this section contained shall prevent the mayor and common council from taking into consideration the amount to be received from

the state from the income of the school fund, and the amount to be received from the county school tax during the ensuing year, and the common council may order and direct, by two-thirds vote, any other duty or thing to be done by said board.

How repairs to be made.

SECTION 135. Whenever repairs to a larger amount than one hundred dollars shall, in the opinion of the board, be required for any one school house, they shall cause a statement to be made showing the repairs required, and an estimate of the cost thereof, to be laid before the common council; and whenever in its opinion, another school house shall be required, it shall cause estimates of the cost of a site for such house or houses, and a plan of the proposed building or buildings, together with the estimates of the cost of the same, to be made, and submit the same for the consideration of the common council, which shall forthwith take measures to raise a tax to defray the cost of such repairs, or the erection of such building or buildings, and the purchase of a site or sites, unless there shall be a two-thirds vote of the whole number of aldermen and supervisors of the city against the same, in which case such proposed repairs shall not be made, nor shall such site or sites be purchased, or building or buildings erected; and it shall be the duty of said board to enter into contracts for making such repairs or for the erection of such buildings or for the purchase of such sites, whenever it shall be made to appear that the necessary tax for the same has been levied or authorized by the mayor and council.

How school funds to be paid out.

SECTION 136. It shall be the duty of the president and secretary of the board of education to draw orders on the city treasurer, payable out of the school fund, for teachers' and janitors' wages, and all other expenditures authorized by this act, and said orders shall be paid by said treasurer out of the funds drawn upon, and in no other way shall the school fund be paid out by said treasurer.

No member of board shall be interested in contracts.

SECTION 137. No member of the board of education shall have any interest, direct or indirect, in any contract made by said board, and every contract so made, in which any member of said board shall have such interest, shall be absolutely void.

SECTION 138. The duties of city superintendent shall be as follows:

Applicants to teach to be examined.

1st. To examine all applicants for teachers' licenses in the branches taught in the public schools of said city, and if approved, give them certificates authorizing them to teach in the city.

2d. To annul a teacher's certificate whenever he may think proper: *provided*, that such teacher shall have the right to appeal to the board of education.

Right of appeal in case of annulling a certificate.

3d. To visit each school department in said city at least once during each week.

Weekly visit to each school department.

4th. To report for the consideration of the board of education such text books as he may think advisable and proper for the use of the schools, and to report such alterations therein, from time to time, as he may think most beneficial for the schools in said city.

To report text-books, etc.

5th. To report to the board of education at such regular meeting, relative to the condition of the schools under his supervision, and particularly as to the average attendance at each school since the previous regular meeting; to make such recommendations as shall, in his judgment, conduce to their welfare and perform such other duties as may be required of him by the board.

To report average attendance, etc.

6th. He shall, between the first and tenth day of September, in each year, make a statement of the number of children, male and female, designated separately, over the age of four and under the age of twenty years, residing in the city on the last day of August previous to the day of such report; and shall, on or before the tenth day of October in each year, make and transmit to the state superintendent a report containing the facts set forth in the general school laws of this state, a copy of which report he shall present to the board of education at its first meeting thereafter.

Annual report to state superintendent.

7th. He shall attend all the meetings of the board of education, and shall be the secretary thereof, and then make any suggestions he may think advisable relative to the government of the schools in said city.

SECTION 139. Said board of education shall have power to allow the children of persons not residing within the city to attend any of the schools in said city, upon such terms as said board shall by resolution prescribe.

Non-resident be allowed to send children.

SECTION 140. The territory embraced within the limits of the city of Wausau is hereby declared to be, and is independent of the jurisdiction of the county superintendent of schools of the county of Marathon and exempt from all taxation for his support and salary, and the superintendent of schools of Marathon county shall hereafter, after the termination of the present term, be elected independent of said city of Wausau.

City to be independet of county organization

Council to have power to change boundaries of school districts.

SECTION 141. The common council shall have the power to change the boundaries of school districts situate within the limits of the city of Wausau; to form new districts, and to do all things in relation to the alteration, formation or consolidation of school districts that the town board of supervisors can by law now do, and until otherwise ordered by the common council, all that territory within said city shall be one school district, to be called school district number one of the city of Wausau.

TITLE XIII.

MISCELLANEOUS PROVISIONS.

All work to be let to lowest bidder.

SECTION 142. All work for the city or either wards may, in the discretion of the council, unless otherwise ordered, be let by contract to the lowest bidder, and due notice shall be given of the time and place of letting the contracts. No moneys shall be appropriated for any purpose whatever, except such as are authorized by this act and in the manner herein authorized.

Authorized to subscribe $30,000 to Wausau Boom Company.

SECTION 143. The city of Wausau is hereby authorized to subcribe to the stock of the Wausau boom company, to an amount not exceeding the sum of thirty thousand dollars, and to issue the bonds of said city to said company in payment therefor, and to levy upon the taxable property of said city taxes to pay the interest as it accrues upon said bonds, which the said city may issue, and to establish a sinking fund for the gradual and ultimate redemption of said bonds at maturity, and the mayor and common council of said city shall have power to negotiate and arrange with said boom company the terms and conditions upon which such subscription for stock shall be made; to enter into all proper contracts with said company in relation to the same, and to adopt such ordinances and relations pertaining thereto, or to the taxes to be levied under this act, as may be expedient and proper and consistent with law: *provided*, that before any such bonds shall be issued or contracted for by said city, the question of granting the same shall be submitted to a vote of the electors of said city, as hereinafter provided.

Public notice of special election

SECTION 144. The common council of said city of Wausau may, at any time after the passage of this act, give six days' public notice of the time and place of holding a special election for the purpose of voting upon the question of taking stock and issuing bonds for the purpose aforesaid, by publishing such notice once at least in each newspaper published in said city, and by posting three copies of such notice in each of

the wards in said city in public places. Such notices to be posted at least six days prior to such election. And such notices shall specify the amount of stock of said company to be subscribed for, the amount of the bonds of said city (not exceeding thirty thousand dollars) to be issued therefor, the rate of interest (not exceeding seven per centum per annum) such bonds shall bear, and when such interest shall be made payable, and the time when such bonds shall mature, which shall not be more than ten years from the time the same shall be issued.

When such election to be held.

SECTION 145. Such special election shall be held in the several wards in said city, at the usual place of holding elections, and be managed by the officers authorized to manage general elections, and the same shall in like manner be conducted, canvassed and certified.

How votes to be printed.

SECTION 146. Those voting for the proposed taking of stock in said company shall deposit a ballot containing the words "for taking stock in the boom company," and those voting against it, shall deposit a ballot containing the words "against taking stock in the boom company." All qualified electors shall be authorized to vote, and a majority of the votes cast on the subject shall govern. In case a majority of the votes cast shall be against such taking of stock, the city council may call further elections in the manner herein provided to vote upon the same or other propositions in relation to the same matter.

SECTION 147. In case a majority of the votes cast at any such election shall be in favor of taking such stock in the manner proposed, it shall be the duty of the mayor and common council of said city to said city to subscribe to the stock of said company, and to issue the bonds of said city, which shall be signed by the mayor and city clerk, to the amount and in the manner specified in such notice, and no other: *provided*, that such bonds shall not be delivered to said boom company until the certificates of the stock of said company, to the amount and in the manner agreed upon, shall be deposited with the city clerk and accepted by said city council.

SECTION 148. In case the said city shall become subscribers to the stock of said company, as hereinbefore provided, they shall be entitled to vote upon the same, and to control and dispose thereof in the same manner as other stockholders, and receive any and all benefits that may arise therefrom.

No penalty remitted except by two-thirds vote of aldermen elect.

SECTION 149. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by a two-thirds vote of the aldermen elect.

Council may cause new surveys to be made.

SECTION 150. The common council may at any time cause a new and accurate survey to be made of the lines and boundaries of all the streets, alleys, sidewalks, public grounds, wharves and blocks, and may cause to be established such permanent land marks as it may deem necessary, and to cause an accurate plot or plots thereof to be made and certified to by the surveyor, which shall be filed in the office of the city clerk and recorded in the office of register of deeds of the county of Marathon.

Surveys to be evidence.

SECTION 151. The surveys and land marks so made and established shall be prima facie evidence of the lines and boundaries of all streets, alleys, sidewalks, public grounds, wharves and blocks, in all cases in which they shall be drawn into controversy in all courts in this state.

Council have power to establish grade of streets, etc.

SECTION 152. The common council may, at such time as it may deem proper, establish the grades of all streets, alleys and sidewalks of said city, or any or either of them, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Marathon county.

City may hold property.

SECTION 153. The city may have, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same while owned, occupied or held by the said city shall be exempt from taxation.

Exempt real estate subject to taxation.

SECTION 154. Real estate exempt from taxation by the laws of this state shall be subject to special taxation as other real estate under this act.

When city deeds or leases real estate.

SECTION 155. When the city of Wausau deeds or leases any real estate, or any interest therein owned by said city, the party of the first part shall be the city of Wausau, and the person or persons authorized to execute such deed or lease need not be named in the body thereof.

Mayor to execute deeds.

SECTION 156. The mayor of said city is hereby authorized, when the common council shall, by ordinance or resolution for that purpose, describe the real estate and interest to be conveyed under and direct him so to do, execute a deed or lease of such real estate or interest therein belonging to the said city. The said deed or lease shall be signed by the mayor of the city, and countersigned by the city clerk, and sealed with the corporate seal of said city, and duly witnessed

and acknowledged as is provided for the execution of deeds and conveyances.

How deed to be attested and recorded.

SECTION 157. When any such deed or lease is so executed, the city clerk shall attach to such deed or lease a true copy, by him duly certified, of the ordinance or resolution aforesaid, and the same shall be recorded by the register of deeds with said deed or lease; and such copy so attached and record thereof, shall be in all courts of this state prima facie evidence of the authority of the mayor to make and execute such deed or lease.

Failure of election not to suspend corporation.

SECTION 158. If any election by the people for common council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the council shall fail to organize as herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had at any subsequent day, by order of the common council; and if any of the duties enjoined by this act, or the ordinances or by-laws or regulations of said city, to be done by any officer, at any specified time, and the same are not then done or performed, the common council may appoint another time at which said act may be done and performed.

Act not to be affected by general laws.

SECTION 159. No general law of this state contravening the provisions of this act shall be considered as repealing, annulling or modifying the same, unless such purposes be expressly set forth in such law as an amendment to this chapter.

Appropriations to be made by a two-thirds vote.

SECTION 160. The common council shall have power to appropriate a sum not exceeding five hundred dollars, at any one time, to any public purpose it may deem proper, but no such appropriation shall be made unless ordered by a two-thirds vote of all the aldermen elect.

Actions in tor

SECTION 161. No action in tort shall lie or be maintained against the city of Wausau, unless a statement in writing, signed by the person injured or claiming to be injured, of the wrong and circumstances thereof, and amount of damages claimed, shall be presented to the common council within ninety days after the occurring or happening of the tort alleged.

City liable for damages arising from defective sidewalks.

SECTION 162. In case of injury or damage by reason of insufficient, defective or dangerous condition of streets, sidewalks, drains, sewers, gutters, ditches or bridges produced or caused by the wrong, neglect of duty, default or negligence of any person or corporation, such person or corporation shall be primarily lia-

ble for all damages for such injury, in suit for the recovery thereof by the person sustaining such damages, and the city shall not be liable therefor until all legal remedies shall have been exhausted to collect such damages from such person or corporation.

Owners enjoined to keep sidewalks in good condition.

SECTION 163. The duty of always keeping the sidewalks, gutters, drains and ditches on or adjacent to the lots and premises of any person, in safe condition and good repair, is hereby expressly enjoined and imposed upon all owners or occupants of said lots and premises.

How vote to be taken.

SECTION 164. If required by one member present at any meeting of the common council, the vote upon any ordinance, resolution or question pending before such meeting, except the appointment of officers, shall, when taken, be taken by the yeas and nays of all the members present, and a record of such votes shall be entered at large in the minutes.

Reward for arrest of criminals.

SECTION 165. Whenever any grave or heinous crime shall have been committed in said city, against life or property, the mayor, with the concurrence of the common council, may offer a reward for the arrest and conviction, or either, of the perpetrators of such offense: *provided*, that such reward shall in no case exceed five hundred dollars.

How appropriations to be voted.

SECTION 166. All appropriations of money voted under the provisions of this act shall be by a vote of ayes and nays, and be entered in the journal.

All officers to take oath and file bond.

SECTION 167. All officers elected or appointed under the provisions of this act shall in all cases, when the method of qualification is prescribed by a general law of the state, conform thereto, and take such oath and file such bond, and do such other act as may be required by such law, in addition to any of the requirements of this act.

Of executions and judgments.

SECTION 168. No execution shall ever issue upon any judgment against said city, but all judgments shall be collected and enforced in the same manner as payments against towns, and not otherwise.

How actions against city to be commenced.

SECTION 169. In all cases where an action might be brought by the city of Wausau against any person, company or corporation, such action may be commenced and prosecuted in the name of the city by any electors of said city: *provided*, that the complaint is made by any person other than a police officer or said sheriff of Marathon county, or any officer of said city. The judge may, in his discretion, require security for costs as in civil cases before justices of the peace.

And the city of Wausau shall have the use of the county jail for the purposes of this act, under such condition as the county board may prescribe.

Ornamental trees to be set out.

SECTION 170. The common council shall have power to require the owner of any lot or ground in the city to set out ornamental trees in the street or streets fronting on the same, and in default thereof to cause the same to be done, and to levy a special tax upon such lot or grounds to pay the expenses of the same.

Rights in cemetery.

SECTION 171. The right of the citizens of the city of Wausau to use the Wausau cemetery for burial purposes shall not be impaired, anything in this act to the contrary notwithstanding, and the citizens residing within said city shall always have and enjoy the same rights and privileges in said cemetery as heretofore.

Holding of town meetings.

SECTION 172. It shall be lawful for the supervisors of any town in Marathon county to hold their meetings for the transaction of town business at any proper place within the city of Wausau, and the said town board may authorize and empower the town clerk and town treasurer of the said town to keep the books and papers of their respective offices at some suitable place within the limits of said city: *provided*, that the said city shall not be chargeable with nor liable for any of the expenses arising or growing out of any of the provisions of this or the preceding section: *and provided further*, that the place of meetings, and a place for the town clerk and treasurer of the town mentioned in this and in the preceding section, shall not be at any place or places of meeting of the common council or of officers of the city, without consent first being obtained of the common council.

State laws for support of poor to apply.

SECTION 173. The laws of this state for the relief and support of the poor in towns shall apply to said city, and the common council shall make such rules, regulations, ordinances and provisions in relation to the same as it shall deem proper, and may adopt the county system in accordance with any resolution of the county board. This act is hereby declared a public act, and shall be liberally construed in all courts of this state.

Repealed.

SECTION 174. All acts and parts of acts inconsistent and conflicting with the provisions of this act are hereby repealed; but the repeal of said acts or parts of acts shall not in any manner affect, injure or invalidate any contracts, claims, penalties or demands, that may have been entered into, performed, commenced, or that may exist under or by virtue or in pursuance

of the said acts, or any former act incorporating the city of Wausau, or any of them: but the same shall exist and be enforced and carried out and completed, as fully and effectually, to all intents and purposes, as if this act had not been passed.

SECTION 175. This act shall take effect and be in force from and after its passage.

Approved March 16, 1880.

JOINT RESOLUTIONS.

No. 9, S.

JOINT RESOLUTION amending sections numbers 4, 5, 11, and 21, article 4 of the constitution of the State of Wisconsin.

Resolved by the senate, the assembly concurring, That section 4 of article 4 of the constitution of this state, be amended so as to read as follows:

SECTION 4. The members of the assembly shall be chosen biennially, by single districts on the Tuesday succeeding the first Monday of November, after the adoption of this amendment, by the qualified electors of the several districts, such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory, and be in as compact form as practicable. That section 5 of article 4 of the constitution of this state, be amended so as to read as follows:

SECTION 5. The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen; and no assembly district shall be divided in the formation of a senate district. The senate district shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even numbered districts. The senators elected or holding over at the time of the adoption of this amendment shall continue in office till their successors are duly elected and qualified; and after the adoption of this amendment all senators shall be chosen for the term of four years. That section 11 of article 4 of the constitution of this state be amended so as to read as follows:

SECTION 11. The legislature shall meet at the seat of government at such time as shall be provided by law once in two years and no oftener, unless convened by the governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened. That section 21 of article 4 of the constitution of this state be amended so as to read as follows:

SECTION 21. Each member of the legislature shall receive for his services for and during a regular session, the sum of five hundred dollars, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly, except for mileage, to be

computed at the same rate as for a regular session. No stationery, newspapers, postage or other perquisite except the salary and mileage above provided shall be received from the state by any member of the legislature for his services, or in any other manner, as such member.

No. 12, A.

JOINT RESOLUTION proposing an amendment to section 1 of article 3 of the constitution of Wisconsin relating to suffrage.

Resolved by the assembly, the senate concurring, That section 1 of article 3 of the constitution of Wisconsin, be amended so as to read as follows:

SECTION 1. Every person of the age of twenty-one years or upwards, belonging to either of the following classes who shall have resided in this state for one year, and in the town, ward, or election precinct for ten days next preceding any election, shall be deemed a qualified elector at such election.

1. Citizens of the United States.

2. Persons of foreign birth who shall have declared their intentions to become citizens conformably to the laws of the United States on the subject of naturalization, and the wives or widows of such persons.

3. Persons of Indian blood who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4. Civilized persons of Indian descent not members of any tribe: *provided,* that the legislature may at any time extend by law the right of suffrage to persons not herein enumerated, but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast at such election.

5. The legislature may prescribe appropriate rules and regulations for determining the qualifications of electors under this article and to prevent abuse of the elective franchise.

CERTIFICATE.

STATE OF WISCONSIN, }
DEPARTMENT OF STATE. } ss.

I, HANS B. WARNER, Secretary of State, of the state of Wisconsin, do hereby certify, that the foregoing printed copies of laws and joint resolutions have been compared by me with the original enrolled acts and joint resolutions deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, in the city of
[L. S.] Madison, this fourth day of May, A. D. 1880.

HANS B. WARNER, Secretary of State.

STATEMENT

PREPARED IN ACCORDANCE WITH SECTION 2425, R. S., SHOWING THE NAMES AND POST-OFFICE ADDRESS OF THE CIRCUIT JUDGES, AND TIMES AND PLACES FOR HOLDING CIRCUIT COURTS, IN THE SEVERAL COUNTIES IN WISCONSIN.

FIRST CIRCUIT.

JUDGE — JOHN T. WENTWORTH, RACINE.

Term expires first Monday of January, 1884.

Counties.	Terms.	Where Held.	Laws.
Walworth	2d Monday in February ..... 2d Monday in June..... 2d Monday in September... ...	Elkhorn	Ch. 32, 1879.
Racine	2d Monday in March..... 3d Monday in June..... 2d Monday in October.....	Racine	Ch. 32, 1879.
Kenosha	2d Monday in April..... 1st Monday in August..... 2d Monday in November.....	Kenosha.....	Ch. 32, 1879.

No jury shall be summoned for either of the terms to be held in this circuit in the months of June or August. Each term in this circuit shall also be a special term for the whole judicial circuit. — *Chapter* 32, *Laws of* 1879.

SECOND CIRCUIT.

JUDGE — DAVID W. SMALL, OCONOMOWOC.

Term expires first Monday of January, 1882.

Counties.	Terms.	Where Held.	Laws.
Milwaukee	2d Monday in January..... 1st Monday in May..... 4th Monday in June..... 1st Monday in October	Milwaukee	Sec. 2424, R. S.
Waukesha.....	3d Monday in March..... 2d Monday in June..... 1st Monday in December.....	Waukesha.....	Sec. 2424, R. S.

No jury shall be summoned for either of the terms to be held in this circuit in the month of June. Every term in this circuit shall be a special term for the whole judicial circuit. — *Section* 2424, *Revised Statutes.*

THIRD CIRCUIT.

JUDGE—DAVID J. PULLING, OSHKOSH.

Term expires first Monday of January, 1885.

Counties.	Terms.	Where Held.	Laws.
Green Lake.....	2d Monday in January..... 1st Monday in June.....	Dartford	Sec. 2424, R. S.
Dodge	4th Monday in February ..... 2d Monday in October.....	Juneau	Sec. 2424, R. S.
Washington	3d Monday in March..... 2d Monday in November	West Bend	Sec. 2424, R. S.
Ozaukee.	Tuesday after 4th Monday in Jan. Tuesday after 3d Monday in June	Port Washington...	Sec. 2424, R. S.
Winnebago	Tuesday after 2d Monday in April Tuesday aft'r 4th Monday in Nov.	Oshkosh	Sec. 2424, R. S. Ch. 61, L. 1879.

Every term in this circuit shall also be a special term for the whole judicial circuit.—*Section 2424, Revised Statutes.*

At any special term of the circuit court in the third judicial district of this state, any and all business may be done, arising in any county of of said circuit, which might be done at a general term, except the trial of issues of fact by a jury.—*Chapter 92, Laws* 1879.

The circuit court of the county of Winnebago shall be deemed to be open for the transaction of business from the commencement of one regular term to the commencement of another, and an adjournment of the term from day to day shall not be necessary to the validity of any proceeding therein.—*Section* 1, *Chapter* 61, *Laws* 1879.

FOURTH CIRCUIT.

JUDGE—CAMPBELL McLEAN, FOND DU LAC.

Term expires first Monday of January, 1881.

Counties.	Terms.	Where Held.	Laws.
Sheboygan	2d Monday in April ..... 1st Monday in October	Sheboygan	Sec. 2424, R. S.
Calumet.....	3d Monday in May ..... 2d Monday in December	Chilton	Sec. 2424, R. S.
Manitowoc	2d Monday in January ..... 1st Monday in June.....	Manitowoc	Sec. 2424, R. S.
Kewaunee	4th Monday in April ..... 3d Monday in October.....	Kewaunee	Sec. 2424, R. S.
Fond du Lac.....	1st Monday in March ..... 4th Monday in June ..... 2d Monday in November	Fond du Lac.....	Sec. 2424, R. S.

Every term in this circuit in the counties of Fond du Lac and Sheboygan, shall also be a special term for the whole judicial circuit, and every term in the county of Manitowoc shall also be a special term for the county of Kewaunee. In the county of Fond du Lac, a special term for the whole circuit shall be held on the second Monday of February in each year.—*Section 2424, Revised Statutes.*

FIFTH CIRCUIT.

JUDGE—MONTGOMERY M. COTHREN, MINERAL POINT.

Term expires first Monday of January, 1883.

Counties.	Terms.	Where Held.	Laws.
Grant	1st Tuesday in February 1st Tuesday in September	Lancaster	Sec. 2424, R. S. Ch. 43, L. 1879.
Iowa	4th Tuesday in March 1st Tuesday in October	Dodgeville	Sec. 2424, R. S.
La Fayette	4th Tuesday in June 1st Tuesday in December	Darlington	Sec. 2424, R. S.
Richland	2d Tuesday in April 4th Tuesday in October	Richland Center	Sec. 2424, R. S.
Crawford	4th Tuesday in May 2d Tuesday in November	Prairie du Chien	Sec. 2424, R. S.

Every term in each of said counties shall be a special term for the whole circuit.—*Sec. 2424, R. S.*

SIXTH CIRCUIT.

JUDGE—ALFRED W. NEWMAN, TREMPEALEAU.

Term expires first Monday of January, 1883.

Counties.	Terms.	Where Held.	Laws.
Clark	1st Monday in March 1st Monday in September	Neillsville	Sec. 2424, R. S.
Jackson	3d Monday in March 3d Monday in September	Black River Falls	Sec. 2424, R. S.
La Crosse	2d Monday in May 2d Monday in November	La Crosse	Sec. 2424, R. S.
Monroe	1st Monday in April 1st Monday in October	Sparta	Sec. 2424, R. S.
Trempealeau	2d Monday in June 2d Monday in December	Whitehall	Sec. 2424, R. S.
Vernon	4th Monday in April 4th Monday in October	Viroqua	Sec. 2424, R S.

Every general term in the counties of La Crosse, Monroe, Jackson and Trempealeau shall also be a special term for the whole judicial circuit; and there shall be held in the county of Monroe, on the first Monday in January in each year, a special term for the circuit. At any special term of said court herein provided for, and any and all business may be done arising in any county of the circuit, which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*, and excepting, also, the trial of issues of fact in actions made local by law, and arising in some county other than the one in which such special term shall be held.—*Section 2424, Revised Statutes.*

SEVENTH CIRCUIT.

JUDGE—GILBERT L. PARK, STEVENS POINT.

Term expires first Monday of January, 1885.

Counties.	Terms.	Where Held.	Laws.
Portage	1st Tuesday in March 2d Tuesday in November	Stevens Point	Sec. 2124, R. S.
Marathon	2d Tuesday in April 1st Tuesday in October	Wausau	Sec. 2124, R. S.
Waupaca	2d Tuesday in January 4th Tuesday in May	Waupaca	Sec. 2124, R. S.
Wood	2d Tuesday in May 1st Tuesday in December	Grand Rapids	Sec. 2124, R. S.
Waushara	4th Tuesday in March 3d Tuesday in September	Wautoma	Sec. 2124, R. S.
Lincoln	3d Tuesday in February 4th Tuesday in August	Jenny	Sec. 2124, R. S.
Price	Attached to Taylor Co. for judicial purposes		Ch. 103, 1879.
Taylor	1st Tuesday in February 1st Tuesday in September	Medford	Sec. 2124, R. S.

Each and every general term of the circuit court held in the counties of Marathon, Portage, Waupaca and Wood, shall be special terms for the whole seventh judicial circuit. At any special term of said court herein provided for, any and all business may be done arising or pending in said circuit, or any of the counties therein, which might be done at any general term, except the trial of issues of fact.—*Chapter 9, Laws* 1879.

EIGHTH CIRCUIT.

JUDGE—EGBERT B. BUNDY, MENOMONIE.

Term expires first Monday of January, 1885.

Counties.	Terms.	Where Held.	Laws.
Buffalo	4th Monday in February 4th Monday in October	Alma	Ch. 52, 1879.
Dunn	2d Monday in March 2d Monday in September	Menomonie	Ch. 52, 1879.
Eau Claire	4th Monday in March 4th Monday in September	Eau Claire	Ch. 52, 1879.
Pepin	3d Monday in April 3d Monday in October	Durand	Ch. 52, 1879.
Pierce	2d Monday in June 2d Monday in December	Ellsworth	Ch. 52, 1879.
St. Croix	2d Monday in May 3d Monday in November	Hudson	Ch. 52, 1879.

I hereby appoint special terms of said court to be held in each year at the times and places hereinafter named, viz.: At Eau Claire, Eau Claire county, on the first Monday of January; at Hudson, St. Croix county, on the third Monday of February; at Menomonie, Dunn county, on the first Monday of July; at River Falls, Pierce county, on the first Monday of September.—*Order of Judge Bundy, issued in compliance with the provisions of chapter 52, Laws* 1879.

NINTH CIRCUIT.

JUDGE — ALVA STEWART, PORTAGE.

Term expires first Monday of January, 1885.

Counties.	Terms.	Where Held.	Laws.
Adams	3d Tuesday in January 2d Tuesday in June	Friendship	Sec. 2424, R. S.
Columbia	2d Tuesday in May 2d Tuesday in December	Portage	Sec. 2424, R. S.
Dane	Monday after 1st Tuesday in Ap'l 2d Tuesday in July 2d Monday in November	Madison	Sec. 2424, R. S.
Juneau	2d Monday in March 3d Monday in October	Mauston	Ch. 206, L. 1879.
Sauk	3d Monday in March 4th Monday in September	Baraboo	Sec. 2424, R. S.
Marquette	Tuesday after first Monday in January 1st Tuesday in June	Montello	Sec. 2424, R. S.

Every term in the counties of Dane and Columbia shall also be a special term for the whole judicial circuit. No jury shall be summoned for the term in July for Dane county. — *Section 2424, Revised Statutes.*

TENTH CIRCUIT.

JUDGE — GEORGE H. MYERS, APPLETON.

Term expires first Monday of January, 1886.

Counties.	Terms.	Where Held.	Laws.
Brown	4th Monday in January 1st Monday in March 3d Monday in September	Green Bay	Sec. 2424, R. S. Ch. 109, L. 1880.
Door	Tuesday after third Monday in February Tuesday after third Monday in July	Sturgeon Bay	Sec. 2424, R. S
Langlade	Attached to Shawano county for judicial purposes	...	Ch. 114, L. 1879.
Outagamie	1st Monday in June 2d Monday in November	Appleton	Sec. 2424, R. S.
Oconto	2d Monday in April 3d Monday in October	Oconto	Sec. 2424, R. S.
Shawano	Tuesday after 2d Monday in Jan. Tuesday after 4th Monday in June	Shawano	Sec. 2424, R. S.

No jury shall be summoned for the January term in Brown county. Every term in the counties of Brown, Outagamie and Oconto shall also be a special term for the whole judicial circuit. — *Section 2424, Revised Statutes.*

The terms of the circuit court in and for the county of Marinette, in the state of Wisconsin, are appointed to be held on the second Monday in December and on the second Monday in May in each year. — *Order of Judge Myers, issued March 27, 1879, under provisions of chapter 114, laws of 1879.*

ELEVENTH CIRCUIT.

JUDGE—HENRY D. BARRON, ST. CROIX FALLS.

Term expires first Monday of January, 1883.

Counties.	Terms.	Where Held.	Laws.
Ashland	2d Monday in January 3d Monday in July	Ashland	Ch. 181, 1879.
Barron	4th Monday in April 4th Monday in November	Barron	Ch. 181, 1879.
Bayfield	3d Monday in January 2d Monday in July	Bayfield	Ch 181, 1879.
Burnett	1st Wednesday in April 1st Wednesday in November	Grantsburg	Ch. 181, 1879.
Chippewa	1st Monday in June 1st Monday in December	Chippewa Falls	Ch. 181, 1879.
Douglas	1st Monday in July 4th Monday in October	Superior	Ch. 181. 1879.
Polk	2d Monday in April. 2d Monday in November	Osceola Mills	Ch. 181, 1879.

Each term in the counties of Chippewa and Polk is a special term for the entire circuit, where any business from any county in the circuit, not requiring the intervention of a jury, may be transacted.— *Chapter* 181, *Laws* 1879.

TWELFTH CIRCUIT.

JUDGE—HARMON S. CONGER, JANESVILLE.

Term expires first Monday of January, 1883.

Counties.	Terms.	Where Held.	Laws.
Rock	4th Monday in January. 4th Monday in April! Wednesday after the 1st Monday in November	Janesville	Sec. 2434, R. S.
Green	1st Tuesday in March 3d Tuesday in June 1st Tuesday in October	Monroe	Sec. 2434, R. S.
Jefferson	1st Monday in February 2d Tuesday in June 1st Monday in September	Jefferson	Sec. 2434, R. S.

No jury shall be summoned for either of the terms in this circuit appointed to be held in the months of January and June. Every term in this circuit shall also be a special term for the whole judicial circuit—*Section* 2424, *Revised Statutes.*

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